



City Council Chambers  
3300 Capitol Avenue  
Fremont, California

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### City Council

Bob Wasserman, Mayor  
Anu Natarajan, Vice Mayor  
Bob Wieckowski  
Bill Harrison  
Suzanne Lee Chan

### City Staff

Fred Diaz, City Manager  
Harvey E. Levine, City Attorney  
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk  
Harriet Commons, Finance Director  
Marilyn Crane, Information Technology Svcs. Dir.  
Daren Fields, Economic Dev. Director  
Annabell Holland, Parks & Recreation Dir.  
Norm Hughes, City Engineer  
Jill Keimach, Community Dev. Director  
Bruce Martin, Fire Chief  
Jim Pierson, Transportation & Ops Director  
Michael Rich, Human Resources Director  
Jeff Schwob, Planning Director  
Suzanne Shenfil, Human Services Director  
Craig Steckler, Chief of Police  
Elisa Tierney, Redevelopment Director

## City Council Agenda and Report [Redevelopment Agency of Fremont]

### General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## **Addressing the Council**

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## **Oral Communications**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.**

**The City Council Agendas may be accessed by computer at the following Worldwide Web Address: [www.fremont.gov](http://www.fremont.gov)**

## **Information**

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

## **Availability of Public Records**

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of your City's business is appreciated.*

**REVISED 7/27/09**

**NOTICE AND AGENDA OF SPECIAL MEETING  
CLOSED SESSION  
CITY COUNCIL OF THE CITY OF FREMONT  
AND  
REDEVELOPMENT AGENCY**

**DATE:** Tuesday, July 28, 2009

**TIME:** 6:30 p.m.

**LOCATION:** Fremont Room, 3300 Capitol Avenue, Fremont-  
Pursuant to Government Code Section 54953, Councilmember Natarajan will be  
participating through teleconferencing at 5 Shangrila, Carmaichael Road,  
Mumbai, 4000026

The City/Agency will convene a special meeting. It is anticipated the City/Agency will immediately adjourn the meeting to a closed session for granting authority to its real property negotiators regarding price and terms of payment and possible initiation of litigation against the City in one matter, as follows:

Agency:

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** This Closed Session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority to its real property negotiators regarding:

APN# 501-0536-017-02 and 501-0536-018-02, approximately 27,499 sq. ft., located at 37405-37415 Fremont Boulevard and 4036 Beloveria Court.

The Brown Act requires the negotiators (even when not attending the meeting) to be listed in this notice. Those negotiators are:

For the City/Agency—(which will be represented at the meeting),; Elisa Tierney, Redevelopment Director; Randy Sabado, Real Property Manager and Harvey Levine, City/Agency Attorney

Council:

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

This Closed Session is authorized by subdivision (C) of Section 54956.9 of the Government Code and will pertain to possible initiation of litigation against the City in one matter.

Claimant: Matthew Fernandes

This Special Meeting is being called by Mayor/Chairman Wasserman.



**AGENDA**  
**FREMONT CITY COUNCIL REGULAR MEETING**  
**JULY 28, 2009**  
**COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A**  
**AND**  
**VIA TELECONFERENCE WITH VICE MAYOR NATARAJAN FROM**  
**5 SHANGRILA, CARMAICHAEL ROAD, MUMBAI 4000026**  
**7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances  
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 Approval of Minutes – None
- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Properties Located at 3615 and 3657 Main Street, 41037 and 41045 High Street, and Lots APN 525064100800 and APN 525064101100 from Planned District P-84-12 to Multi-Family Residential R-3-35*

*RECOMMENDATION: Adopt Ordinance.*

- 2.4 *DELEGATION OF AUTHORITY TO CITY MANAGER DURING COUNCIL RECESS  
Delegation of Authority to City Manager during Council Recess, July 29, 2009 through August 31, 2009*

*Contact Person:*

<i>Name:</i>	<i>Dawn Abrahamson</i>	<i>Melissa Stevenson Dile</i>
<i>Title:</i>	<i>City Clerk</i>	<i>Deputy City Manager</i>
<i>Dept.:</i>	<i>City Clerk</i>	<i>City Manager</i>
<i>Phone:</i>	<i>510-284-4063</i>	<i>510-284-4005</i>
<i>E-Mail:</i>	<i>dabrahamson@fremont.gov</i>	<i>mdile@fremont.gov</i>

*RECOMMENDATION: Adopt resolution authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this report, and to take the following actions:*

- 1. Authorize the City Manager or designee to execute a third amendment to the Niles Town Plaza Site Design Services agreement with RRM Design Group for additional design scope and construction administration services in an amount not to exceed \$18,650, which will increase the total contract not-to exceed amount to \$242,917.*
- 2. Authorize the City Manager or designee to execute a purchase order for eight (8) Microsoft SQL Server licenses to the lowest responsible bidder.*
- 3. Authorize the City Manager or designee to execute a cooperative funding agreement with East Bay Regional Park District to commit and authorize the District to expend \$1.8 million of the City's \$9.8 million Measure WW Local Grant Program allocation funds to Vargas Plateau Regional Park for future Phase II improvements. Phase II improvements may include additional acquisitions for improvement of access, construction of trail, picnic, camping or similar associated amenities at the Park. The funding commitment would be conditioned on the District's receipt of any and all Phase II required approvals.*
- 4. Authorize the City Manager or designee to execute a Joint Powers Agreement with the City of Newark to provide senior case management services in Newark. The agreement would not create a separate legal entity.*
- 5. Authorize the City Manager or designee to execute a contract not to exceed \$422,799 with Alameda County Behavioral Health Care Services to provide in-home mental health services to seniors.*
- 6. Authorize the City Manager or designee to execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for the Senior Center in an amount not to exceed \$10,000.*
- 7. Authorize the City Manager or designee to (1) execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for the MSSP Program in an amount not to exceed \$53,140, and (2) appropriate an additional \$390 to account 1735335.*
- 8. Authorize the City Manager or designee to execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for Family Caregiver Support Program in an amount not to exceed \$68,969.*
- 9. Authorize the City Manager or designee to (1) execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for case management in an amount not to exceed \$30,979, and (2) appropriate an additional \$1,240 to account 1065325.*
- 10. Authorize the City Manager or designee to execute a contract for FY 2009/10*

*with the Alameda County Public Health Department for the Afghan Health Promoter project in an amount not to exceed \$159,000.*

- 11. Upon receipt, authorize the City Manager or designee to execute a contract in an amount not to exceed \$100,000 with the Alameda County Health Care Services Agency to support FRC core services.*
- 12. Authorize the City Manager or designee to execute a contract totaling \$455,850 with the Alameda County Probation Department to provide programs supporting at-risk youth and families in Fremont and Newark.*
- 13. Authorize the City Manager or designee to execute Task Order No. 5 to the existing joint powers master service agreement with Fremont Unified School District for the Youth and Family Services and Fremont Family Resource Center divisions of the Human Services Department to provide integrated mental health and case management services for an amount not to exceed \$122,256.*
- 14. Upon receipt, authorize the City Manager or designee to execute the annual transition and final contracts with Alameda County Behavior Health Care Services for reimbursement for mental health services funded through EPSDT, not to exceed \$723,427.*
- 15. Authorize the City Manager or designee to (1) appropriate \$192,336 in CDBG Recovery Funding (CDBG-R) for the Fremont Family Resource Center Soffit & Fascia Replacement Project (City Project No. PWC 8705), to fund 194 PWC 8705, and to return any unused funds to fund 194, (2) accept Cal Bay Construction's bid of \$117,780 and award a construction contract with Cal Bay Construction, (3) execute the contract on behalf of the City, and (4) approve plans and specifications.*

## **2.5 SETTING THE GENERAL OBLIGATION BOND 2009/10 TAX RATE**

*Setting the Annual Tax Rate for Voter-Approved General Obligation Bond Debt Service for Fiscal Year 2009/10*

### **Contact Person:**

<b>Name:</b>	<i>Don Dorman</i>	<i>Harriet Commons</i>
<b>Title:</b>	<i>Revenue and Treasury Manager</i>	<i>Director</i>
<b>Dept.:</b>	<i>Finance</i>	<i>Finance</i>
<b>Phone:</b>	<i>510-494-4616</i>	<i>510-284-4010</i>
<b>E-Mail:</b>	<i>ddorman@fremont.gov</i>	<i>hcommons@fremont.gov</i>

### **RECOMMENDATION:**

- 1. Establish the Fire Safety General Obligation Bonds tax rate of \$0.01065 per \$100 of assessed valuation (0.01065%) for fiscal year 2009/10.*
- 2. Adopt a resolution requesting and authorizing the County of Alameda to levy a tax on all taxable properties in the City as a voter-approved levy with respect to the Fire Safety Project GO Bond.*

## **2.6 G, I & J STREET STREETSCAPE PROJECT**

*Approval of Plans and Specifications and Award of Contract in the Amount of \$1,708,644.00 to the Lowest Responsible Bidder for the G, I and J Street Streetscape*

*Project Between Niles Boulevard and Second Street, City Project No. 8640 (PWC)*

*Contact Person:*

<i>Name:</i>	<i>Jeanne Suyeishi</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Associate Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4728</i>	<i>510-494-4748</i>
<i>E-Mail:</i>	<i>jsuyeishi@fremont.gov</i>	<i>nhughes@fremont.gov</i>

*RECOMMENDATIONS:*

- 1. Approve the Plans and Specifications for the G, I and J Street Streetscape Project between Niles Boulevard and Second Street, City Project No. 8640 (PWC).*
- 2. Accept the bid and award the construction contract for G, I and J Street Streetscape between Niles Boulevard and Second Street, 8640 (PWC) to the lowest responsible bidder, Granite Rock Company DBA Pavex Construction, in the amount of \$1,708,644.00, and authorize the City Manager or his designee to execute the contract.*
- 3. Approve the transfer of appropriation of \$88,500 from Fund 142 (Gas Tax) PWC8234 (Citywide Overlay) to 142PWC8640.*

*2.7 SABERCAT CREEK RESTORATION PROJECT COST SHARING AGREEMENT  
Approval of Cost Sharing Agreement with Alameda County Flood Control and Water Conservation District to Reimburse Fremont for Engineering Design Costs Related to Sabercat Creek Restoration Project*

*Contact Person:*

<i>Name:</i>	<i>Barbara Silva</i>	<i>Kathy Cote</i>
<i>Title:</i>	<i>Environmental Specialist II</i>	<i>Environmental Services Manager</i>
<i>Dept.:</i>	<i>Transportation &amp; Operations</i>	<i>Transportation &amp; Operations</i>
<i>Phone:</i>	<i>510-494-4575</i>	<i>510-494-4583</i>
<i>E-Mail:</i>	<i>bsilva@fremont.gov</i>	<i>kcote@fremont.gov</i>

*RECOMMENDATION: Authorize the City Manager or designee to enter into the cost-sharing agreement and implementing documents with the Alameda County Flood Control and Water Conservation District for the engineering design and permit application services related to the Sabercat Creek restoration project as described in this staff report*

*2.8 MISSION BOULEVARD/WARREN AVENUE/FREIGHT RAIL ROAD  
RELOCATION PROGRAM  
Adopt a Resolution to Allow the City Council to Hear and Adopt Resolutions of Necessity to Acquire Real Property for a Project on the State Highway System*

*Contact Person:*

<i>Name:</i>	<i>Randy Sabado</i>	<i>Jim Pierson</i>
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<i>Title:</i>	<i>Real Property Manager</i>	<i>Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Transportation &amp; Operations</i>
<i>Phone:</i>	<i>510-494-4715</i>	<i>510-494-4722</i>
<i>E-Mail:</i>	<i>rsabado@fremont.gov</i>	<i>pierson@fremont.gov</i>

*RECOMMENDATION: Adopt a Resolution to allow the City Council hear and adopt Resolutions of Necessity to Acquire Real Property for the MWT Program on the State Highway System*

## 2.9 *CONTRACT AWARD FOR POLICE DEPARTMENT SECURITY CARD ACCESS RENOVATION*

*Consideration of an Agreement with EMCOR Integrated Solutions, Inc. to Renovate the Police Department Security Card Access System at a Cost Not-To-Exceed \$250,000*

### *Contact Person:*

<i>Name:</i>	<i>Cynthia Gray</i>	<i>Bill Shaffer</i>
<i>Title:</i>	<i>Building Maintenance Analyst</i>	<i>Building Maintenance Supervisor</i>
<i>Dept.:</i>	<i>Transportation &amp; Operations</i>	<i>Transportation &amp; Operations</i>
<i>Phone:</i>	<i>510-979-5718</i>	<i>510-979-5751</i>
<i>E-Mail:</i>	<i>cgray@fremont.gov</i>	<i>bshaffer@fremont.gov</i>

### *RECOMMENDATIONS:*

- 1. Approve the plans and specifications prepared by the City's consultant, Security By Design, which will be used to renovate the card access control system at the PD Administration Building and Detention Center.*
- 2. Authorize the City Manager, or designee, to award and execute a sole source construction contract to EMCOR Integrated Solutions for \$250,000.*

## 2.10 *ABODE SERVICES SOCIAL SERVICE GRANT AGREEMENT*

*Authorize the City Manager or his Designee to Execute a Social Service Grant Agreement with Abode Services in the Amount of \$155,929*

### *Contact Person:*

<i>Name:</i>	<i>Lucia Hughes</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>Management Analyst II</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2043</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>lhughes@fremont.gov</i>	<i>sshensfil@fremont.gov</i>

*RECOMMENDATION: Authorize the City Manager or his designee to execute a social service grant agreement with Abode Services in the amount of \$155,929*

## 2.11 *BICYCLE PARKING FACILITIES IMPROVEMENT*

*Approval of Plans and Specifications and Award of Contract for Citywide Bicycle Parking Facilities Project (PWC 8645) in the amount of \$115,399.47*

*Contact Person:*

<i>Name:</i>	<i>Rene Dalton</i>	<i>Kunle Odumade</i>
<i>Title:</i>	<i>Associate Transportation Engineer</i>	<i>Transportation Engineer</i>
<i>Dept.:</i>	<i>Transportation &amp; Operations</i>	<i>Transportation &amp; Operations</i>
<i>Phone:</i>	<i>510-494-4535</i>	<i>510-494-4746</i>
<i>E-Mail:</i>	<i>rdalton@fremont.gov</i>	<i>kodumade@fremont.gov</i>

*RECOMMENDATION:*

- 1. Approve the plans and specifications, accept the bid and award the construction contract for the Citywide Bicycle Parking Facilities Project (City Project No. 8645 PWC) to Rodan Builders Inc., in the amount of \$115, 399.47, and authorize the City Manager or his designee to execute the contract.*
- 2. Appropriate \$25,000 from the City's Citywide Bicycle and Pedestrian Projects account, Fund 509PWC8541, to Citywide Bicycle Parking Facilities Project, 509PWC8645, to fund the project shortfall.*

*2.12 DESIGNATION OF TURF MATERIAL BAY SPECIFIC BRAND NAME FOR CENTRAL PARK DOG PARK PROJECT (PWC8431)*

*Find that K9 Classic Synthetic Turf is a Necessary Item that is Available from Only One Source for the Central Park Dog Park, City Project No. PWC8431*

*Contact Person:*

<i>Name:</i>	<i>Roger Ravenstad</i>	<i>Mark Mennucci</i>
<i>Title:</i>	<i>Senior Landscape Architect</i>	<i>Associate Landscape Architect</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4723</i>	<i>510-494-4530</i>
<i>E-Mail:</i>	<i>rravenstad@fremont.gov</i>	<i>mmennucci@fremont.gov</i>

*RECOMMENDATION: Make a finding pursuant to Public Contract Code section 3400 (b) that the turf material for the Central Park Dog Park project (PWC8431) be designated by specific brand or trade name (K9 Classic Synthetic Turf) in order to obtain a necessary item that is only available from one source.*

*2.13 "FIRST 5 ALAMEDA COUNTY"- CONTRACT EXTENSION FOR INFANT TODDLER PROGRAM*

*Authorize the City Manager or Designee to Execute a Six-Month Contract Extension With First 5 Alameda County in the Amount of \$31,500 for a Total of \$181,500*

*Contact Person:*

<i>Name:</i>	<i>Iris Preece</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>YFS Administrator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2128</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>ipreece@fremont.gov</i>	<i>sshenfil@fremont.gov</i>

*RECOMMENDATION: Authorize the City Manager or designee to execute a contract extension with First 5 Alameda County to increase the existing two-year contract as described in the staff report*

**2.14 TEAMSTERS MOU**

*Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with Teamsters Local 856*

*Contact Person:*

<i>Name:</i>	<i>Michael K. Rich</i>	<i>Melissa Stevenson Dile</i>
<i>Title:</i>	<i>Human Resources Director</i>	<i>Deputy City Manager</i>
<i>Dept.:</i>	<i>Human Resources</i>	<i>City Manager's Office</i>
<i>Phone:</i>	<i>510-494-4664</i>	<i>510-284-4005</i>
<i>E-Mail:</i>	<i>mrich@fremont.gov</i>	<i>mdile@fremont.gov</i>

*RECOMMENDATION: Adopt a resolution approving a two-year Memorandum of Understanding between the City and Teamsters Local 856 (MOU) that commences July 1, 2009 and expires June 30, 2011 and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU*

**2.15 FREMONT ASSOCIATION OF MANAGEMENT EMPLOYEES MOU**

*Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with the Fremont Association of Management Employees (FAME)*

*Contact Person:*

<i>Name:</i>	<i>Michael K. Rich</i>	<i>Melissa Stevenson Dile</i>
<i>Title:</i>	<i>Human Resources Director</i>	<i>Deputy City Manager</i>
<i>Dept.:</i>	<i>Human Resources</i>	<i>City Manager's Office</i>
<i>Phone:</i>	<i>510-494-4664</i>	<i>510-284-4005</i>
<i>E-Mail:</i>	<i>mrich@fremont.gov</i>	<i>mdile@fremont.gov</i>

*RECOMMENDATION: Adopt a resolution approving a two-year Memorandum of Understanding between the City and the Fremont Association of Management Employees (MOU) that commences July 1, 2009 and expires June 30, 2011, and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU*

**2.16 IAFF MOU**

*Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with International Association of Fire Fighters Local 1689*

*Contact Person:*

<i>Title:</i>	<i>Human Resources Director</i>	<i>Deputy City Manager</i>
<i>Dept.:</i>	<i>Human Resources</i>	<i>City Manager's Office</i>
<i>Phone:</i>	<i>510-494-4664</i>	<i>510-284-4005</i>
<i>E-Mail:</i>	<i>mrich@fr</i>	<i>ndile@fremont.gov</i>

*RECOMMENDATION: Adopt a resolution approving a two-year Memorandum of Understanding between the City and International Association of Fire Fighters Local 1689 (MOU) that commences July 1, 2009 and expires June 30, 2011, and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU*

**2.17 IAFF-BATTALION CHIEFS MOU**

*Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with IAFF Local 1689 – Battalion Chiefs*

**Contact Person:**

<b>Name:</b>	<i>Michael K. Rich</i>	<i>Melissa Stevenson Dile</i>
<b>Title:</b>	<i>Human Resources Director</i>	<i>Deputy City Manager</i>
<b>Dept.:</b>	<i>Human Resources</i>	<i>City Manager's Office</i>
<b>Phone:</b>	<i>510-494-4664</i>	<i>510-284-4005</i>
<b>E-Mail:</b>	<i>mrich@fremont.gov</i>	<i>mdile@fremont.gov</i>

*RECOMMENDATION: Adopt a resolution approving a two-year Memorandum of Understanding between the City and IAFF Local 1689 - Battalion Chiefs (MOU) that commences July 1, 2009 and expires June 30, 2011, and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU*

**2.18 OE3 MOU**

*Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with Operating Engineers Local Union No. 3*

**Contact Person:**

<b>Name:</b>	<i>Michael K. Rich</i>	<i>Melissa Stevenson Dile</i>
<b>Title:</b>	<i>Human Resources Director</i>	<i>Deputy City Manager</i>
<b>Dept.:</b>	<i>Human Resources</i>	<i>City Manager's Office</i>
<b>Phone:</b>	<i>510-494-4664</i>	<i>510-284-4005</i>
<b>E-Mail:</b>	<i>mrich@fremont.gov</i>	<i>mdile@fremont.gov</i>

*RECOMMENDATION: Adopt a resolution approving a two-year Memorandum of Understanding between the City and Operating Engineers Local Union No. 3 (MOU) that commences July 1, 2009 and expires June 30, 2011, and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU*

**3. CEREMONIAL ITEMS**

**3.1 Proclamation: Fremont Festival of the Arts Week**

**3.2 Proclamation: Kids City at the Festival of the Arts**

- 3.3 Resolution: Honoring Building Inspector Kevin Tupper for Twenty Five Years of Service
- 3.4 Resolution: Honoring Supervising Building Inspector Dave Johnson for Twenty Five Years of Service
- 3.5 Resolution: Honoring Police Sergeant Kevin Gott for Twenty Five Years of Service

#### 4. PUBLIC COMMUNICATIONS

- 4.1 Oral and Written Communications

**REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. See separate agenda (yellow paper).**

**PUBLIC FINANCING AUTHORITY – None.**

#### **CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR**

#### 5. SCHEDULED ITEMS

- 5.1 HUMAN RELATIONS COMMISSION REFERRAL REGARDING 100% SMOKE FREE OUTDOOR DINING  
Referral from the Human Relations Commission Proposing to Amend Chapter 6 of Title IV of the Fremont Municipal Code Regarding a Prohibition on Smoking in 100% of Unenclosed Dining Areas

Contact Person:

Name:	Suzanne Shenfil	Arquimides Caldera
Title:	Director	Deputy Director
Dept.:	Human Services	Human Services
Phone:	510-574-2051	510-574-2056
E-Mail:	sshenfil@fremont.gov	acaldera@fre

RECOMMENDATION: Consider the Human Relations Commission's recommendation to direct staff to return with an ordinance amending Title IV, Chapter Six, Sections 4-6100 et seq. of the Fremont Municipal Code to prevent restaurants from designating up to one-half of an outdoor dining area as a smoking area

## **6. REPORT FROM CITY ATTORNEY**

### **6.1 Report Out from Closed Session of Any Final Action**

## **7. OTHER BUSINESS**

### **7.1 CONSIDERATION OF ADDITIONAL FUNDING FOR ALLIED HOUSING MAIN STREET VILLAGE PROJECT**

Consideration of \$3,650,350 in Additional Loan Funding to Allied Housing in Connection with a 64-unit Affordable Housing Development Proposed for a 1.6-Acre Vacant Parcel at 3615/3657 Main Street and 41037/41045 High Street in the Irvington Redevelopment Area

**Contact Person:**

Name:	Irene Klebanivska	Elisa Tierney
Title:	Redevelopment Business Manager	Redevelopment Director
Dept.:	Office of Housing and Redevelopment	Office of Housing and Redevelopment
Phone:	510-494-4510	510-494-4501
E-Mail:	iklebanivska@fremont.gov	etierney@fremont.gov

**RECOMMENDATION:** Staff recommends that the City Council adopt a resolution to:

1. Authorize the City Manager or designee to execute the loan documents and take such other actions as required to provide additional loan funding in the amount of \$3,650,360 to Allied Housing in connection with a 64-unit affordable housing development proposed for a 1.6-acre vacant parcel at Main and High Streets in the Irvington Redevelopment Project Area; and
2. Approve an appropriation transfer of \$3,450,350 from the Agency's Affordable Housing: New Construction (911HHD6100) and Opportunity/Contingency Fund (911HHD7000) to the Main Street Village project (911HHD6113) in order to provide additional loan funding for the proposed development.

### **7.2 SAN FRANCISCO PUBLIC UTILITIES COMMISSION BAY DIVISION PIPELINE RELIABILITY UPGRADE PROJECT**

SFPUC Staff Presentation of the Bay Division Pipeline Reliability Upgrade Project (BDPL No. 5) in Fremont

**Contact Person:**

Name:	Andrew Russell	Norm Hughes
Title:	Senior Civil Engineer	City Engineer
Dept.:	Community Development Department	Community Development Department
Phone:	510-494-4534	510-494-4748
E-Mail:	arussell@fremont.gov	nhughes@fremont.gov

RECOMMENDATION:

1. Receive SFPUC staff presentation.
2. Receive public comment.
3. Council discussion

**8. COUNCIL COMMUNICATIONS**

8.1 Council Referrals

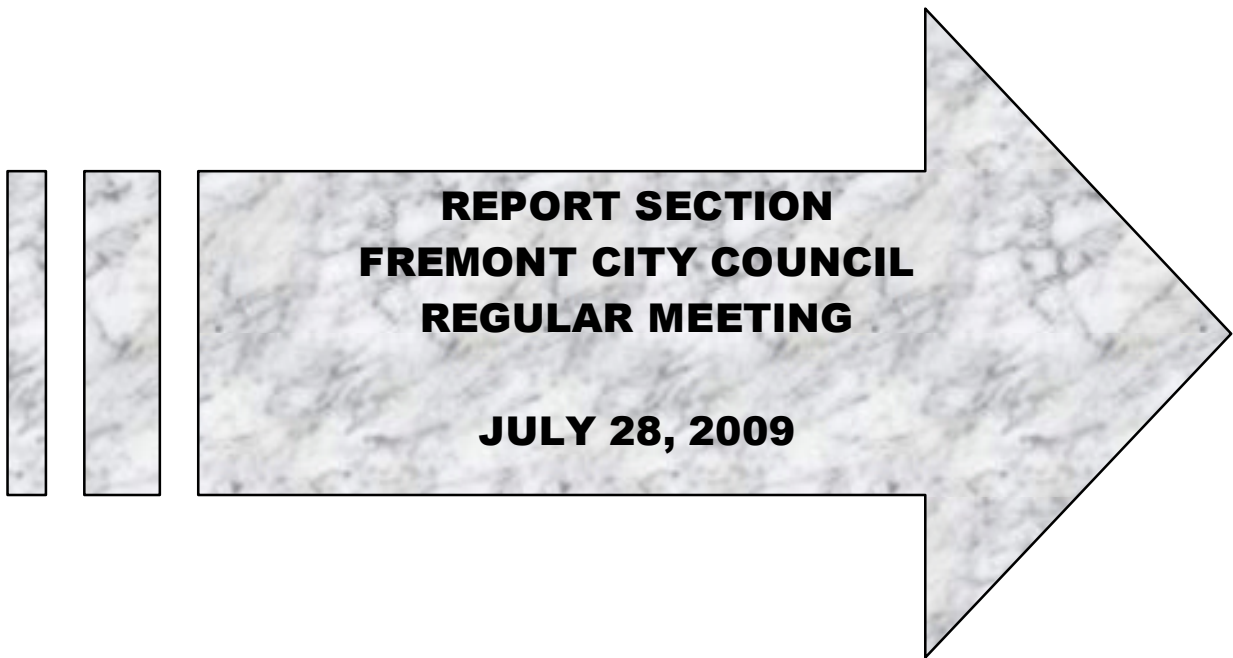
- 8.1.1 MAYOR WASSERMAN REFERRAL: Designation of League of California Cities Annual Conference Voting Delegate

8.2 Oral Reports on Meetings and Events

**9. ADJOURNMENT**







**REPORT SECTION  
FREMONT CITY COUNCIL  
REGULAR MEETING**

**JULY 28, 2009**



**\*2.3 Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Properties Located at 3615 and 3657 Main Street, 41037 and 41045 High Street, and Lost APN 525064100800 and APN 525064101100 from Planned District P-84-12 to Multi-Family Residential R-3-35**

**ENCLOSURE:** [Draft Ordinance](#)

**RECOMMENDATION:** Adopt ordinance.

**\*2.4 DELEGATION OF AUTHORITY TO CITY MANAGER DURING COUNCIL RECESS**  
**Delegation of Authority to City Manager during Council Recess, July 29, 2009 through August 31, 2009**

**Contact Person:**

Name:	Dawn Abrahamson	Melissa Stevenson Dile
Title:	City Clerk	Deputy City Manager
Dept.:	City Clerk	City Manager
Phone:	510-284-4063	510-284-4005
E-Mail:	dabrahamson@fremont.gov	mdile@fremont.gov

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**Executive Summary:** The purpose of this report is to notify City Council of administrative matters potentially requiring action during Council recess between July 29, 2009 and August 31, 2009. The City Council is being asked to delegate authority to the City Manager or designee to approve contracts and other administrative matters required to be approved during the City Council's scheduled recess. Actions taken during Council recess will be reported out to Council on September 8, 2009.

**BACKGROUND:** Fremont Municipal Code Sections 2-2107(q) and 2-9202(b)(2) provide procedures by which the City Council may delegate authority to the City Manager to approve contracts and other administrative matters required to be approved during the City Council's scheduled recess. A report of actions taken will be provided to the City Council after the recess. The following items have been identified as potentially requiring action during the recess:

1. Title: Approval of a third amendment to the contract for Niles Town Plaza Site Design Services

Staff Contact: Rob Kalkbrenner, Civic Facilities Division Manager, 494-4428

Name of Contracting Party: RRM Design Group

Budgeted Amount: \$18,650

Recommended Action: Authorize the City Manager or designee to execute a third amendment to the Niles Town Plaza Site Design Services agreement with RRM Design Group for additional design scope and construction administration services in an amount not to exceed \$18,650, which will increase the total contract not-to-exceed amount to \$242,917.
2. Title: Purchase of Eight (8) Microsoft SQL Server Licenses

Staff Contact: Marilyn Crane, IT Services Director, 494-4802

Name of Contracting Party: TBD

Budgeted Amount: \$140,000

Recommended Action: Authorize the City Manager or designee to execute a purchase order for eight (8) Microsoft SQL Server licenses to the lowest responsible bidder.

3. Title: Vargas Plateau Regional Park Cooperative Funding Agreement with East Bay Regional Park District related to Future Phase II Park Improvements and Access  
Staff Contact: Annabel Holland, Parks and Recreation Director, 494-4329  
  
Name of Contracting Party: East Bay Regional Parks District  
Budgeted Amount: Portion of Measure WW Grant Funds: \$1.8 million  
Recommended Action: Authorize the City Manager or designee to execute a cooperative funding agreement with East Bay Regional Park District to commit and authorize the District to expend \$1.8 million of the City's \$9.758 million Measure WW Local Grant Program allocation funds to Vargas Plateau Regional Park for future Phase II improvements. Phase II improvements may include additional acquisitions for improvement of access, construction of trail, picnic, camping or similar associated amenities at the Park. The funding commitment would be conditioned on the District's receipt of any and all Phase II required approvals.
4. Title: Joint Powers Agreement with City of Newark for Case Management Services  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: City of Newark  
Budgeted Amount: \$5,000  
Recommended Action: Authorize the City Manager or designee to execute a Joint Powers Agreement with the City of Newark to provide senior case management services in Newark. The agreement would not create a separate legal entity.
5. Title: FY 2009/10 Senior Mobile Mental Health Contract Renewal  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Behavioral Health Care Services  
Budgeted Amount: \$422,799  
Recommended Action: Authorize the City Manager or designee to execute a contract not to exceed \$422,799 with Alameda County Behavioral Health Care Services to provide in-home mental health services to seniors.
6. Title: FY 2009/10 Alameda County Area Agency on Aging Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$10,000  
Recommended Action: Authorize the City Manager or designee to execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for

- the Senior Center in an amount not to exceed \$10,000.
7. Title: FY 2009/10 Alameda County Area Agency on Aging Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$53,140  
Recommended Action: Authorize the City Manager or designee to (1) execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for the MSSP Program in an amount not to exceed \$53,140, and (2) appropriate \$390 to account 173.5335.
8. Title: FY 2009/10 Alameda County Area Agency on Aging Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$68,969  
Recommended Action: Authorize the City Manager or designee to execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for the Family Caregiver Support Program in an amount not to exceed \$68,969.
9. Title: FY 2009/10 Alameda County Area Agency on Aging Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$30,979  
Recommended Action: Authorize the City Manager or designee to (1) execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for case management in an amount not to exceed \$30,979, and (2) appropriate \$1,240 to account 1065325.
10. Title: FY 2009/10 Alameda County Public Health Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Public Health  
Budgeted Amount: \$159,000  
Recommended Action: Authorize the City Manager or designee to execute a contract for FY 2009/10 with the Alameda County Public Health Department for the Afghan Health Promoter project in an amount not to exceed \$159,000.
11. Title: FY 2009/10 Alameda County Health Care Services FRC Support Contract  
Staff Contact: Judy Schwartz, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Health Care Services Agency

Budgeted Amount: \$100,000  
Recommended Action: Upon receipt, authorize the City Manager or designee to execute a contract in an amount not to exceed \$100,000 with the Alameda County Health Care Services Agency to support FRC core services.

12. Title: FY 2009/10 Probation Contract Renewal  
Staff Contact: Iris Preece, Youth and Family Services Administrator, 574-2128  
Name of Contracting Party: Alameda County Probation Department  
Budgeted Amount: \$455,850  
Recommended Action: Authorize the City Manager or designee to execute the contract totaling \$455,850 with the Alameda County Probation Department to provide programs supporting at-risk youth and families in Fremont and Newark.
13. Title: Task Order No. 5 to Joint Powers Master Service Agreement with Fremont Unified School District for Mental Health Services  
Staff Contact: Iris Preece, Youth and Family Services Administrator, 574-2128  
Name of Contracting Party: Fremont Unified School District  
Budgeted Amount: \$122,256  
Recommended Action: Authorize the City Manager or designee to execute Task Order No. 5 to the existing joint powers master service agreement with Fremont Unified School District for the Youth and Family Services and Fremont Family Resource Center divisions of the Human Services Department to provide integrated mental health and case management services for an amount not to exceed \$122,256.
14. Title: FY 2009/10 Alameda County Behavior Health Care Services EPSDT Contract Renewal  
Staff Contact: Iris Preece, Youth and Family Services Administrator, 574-2128  
Name of Contracting Party: Alameda County Behavioral Health Care Services  
Budgeted Amount: \$723,427  
Recommended Action: Upon receipt, authorize the City Manager or designee to execute the annual transition and final contracts with Alameda County Behavior Health Care Services for reimbursement for mental health services funded through EPSDT, not to exceed \$723,427.
15. Title: CDBG-R Contract with Cal Bay Inc., for Family Resource Center Soffit & Fascia Replacement  
Staff Contact: Lucia Hughes, Management Analyst II, 574-2043  
Name of Contracting Party: Cal-Bay Construction, Inc.  
Budgeted Amount: \$192,336  
Recommended Action: Authorize the City Manager or designee to (1) appropriate \$192,336 in CDBG Recovery Funding (CDBG-R) for the

Fremont Family Resource Center Soffit & Fascia Replacement Project (City Project No. PWC 8705), to fund 194 PWC 8705, and to return any unused funds to fund 194, (2) accept Cal Bay Construction's bid of \$117,780 and award a construction contract with Cal Bay Construction, (3) execute the contract on behalf of the City, and (4) approve plans and specifications.

**ENCLOSURE:** [Draft Resolution](#)

**RECOMMENDATION:** Adopt resolution authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this report, and to take the following actions:

1. Authorize the City Manager or designee to execute a third amendment to the Niles Town Plaza Site Design Services agreement with RRM Design Group for additional design scope and construction administration services in an amount not to exceed \$18,650, which will increase the total contract not-to exceed amount to \$242,917.
2. Authorize the City Manager or designee to execute a purchase order for eight (8) Microsoft SQL Server licenses to the lowest responsible bidder.
3. Authorize the City Manager or designee to execute a cooperative funding agreement with East Bay Regional Park District to commit and authorize the District to expend \$1.8 million of the City's \$9.8 million Measure WW Local Grant Program allocation funds to Vargas Plateau Regional Park for future Phase II improvements. Phase II improvements may include additional acquisitions for improvement of access, construction of trail, picnic, camping or similar associated amenities at the Park. The funding commitment would be conditioned on the District's receipt of any and all Phase II required approvals.
4. Authorize the City Manager or designee to execute a Joint Powers Agreement with the City of Newark to provide senior case management services in Newark. The agreement would not create a separate legal entity.
5. Authorize the City Manager or designee to execute a contract not to exceed \$422,799 with Alameda County Behavioral Health Care Services to provide in-home mental health services to seniors.
6. Authorize the City Manager or designee to execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for the Senior Center in an amount not to exceed \$10,000.
7. Authorize the City Manager or designee to (1) execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for the MSSP Program in an amount not to exceed \$53,140, and (2) appropriate an additional \$390 to account 1735335.
8. Authorize the City Manager or designee to execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for Family Caregiver Support Program in an amount not to exceed \$68,969.



9. Authorize the City Manager or designee to (1) execute a contract for FY 2009/10 with the Alameda County Area Agency on Aging for case management in an amount not to exceed \$30,979, and (2) appropriate an additional \$1,240 to account 1065325.
10. Authorize the City Manager or designee to execute a contract for FY 2009/10 with the Alameda County Public Health Department for the Afghan Health Promoter project in an amount not to exceed \$159,000.
11. Upon receipt, authorize the City Manager or designee to execute a contract in an amount not to exceed \$100,000 with the Alameda County Health Care Services Agency to support FRC core services.
12. Authorize the City Manager or designee to execute a contract totaling \$455,850 with the Alameda County Probation Department to provide programs supporting at-risk youth and families in Fremont and Newark.
13. Authorize the City Manager or designee to execute Task Order No. 5 to the existing joint powers master service agreement with Fremont Unified School District for the Youth and Family Services and Fremont Family Resource Center divisions of the Human Services Department to provide integrated mental health and case management services for an amount not to exceed \$122,256.
14. Upon receipt, authorize the City Manager or designee to execute the annual transition and final contracts with Alameda County Behavior Health Care Services for reimbursement for mental health services funded through EPSDT, not to exceed \$723,427.
15. Authorize the City Manager or designee to (1) appropriate \$192,336 in CDBG Recovery Funding (CDBG-R) for the Fremont Family Resource Center Soffit & Fascia Replacement Project (City Project No. PWC 8705), to fund 194 PWC 8705, and to return any unused funds to fund 194, (2) accept Cal Bay Construction's bid of \$117,780 and award a construction contract with Cal Bay Construction, (3) execute the contract on behalf of the City, and (4) approve plans and specifications.

## **\*2.5 SETTING THE GENERAL OBLIGATION BOND 2009/10 TAX RATE**

### **Setting the Annual Tax Rate for Voter-Approved General Obligation Bond Debt Service for Fiscal Year 2009/10**

#### **Contact Person:**

Name:	Don Dorman	Harriet Commons
Title:	Revenue and Treasury Manager	Director
Dept.:	Finance	Finance
Phone:	510-494-4616	510-284-4010
E-Mail:	ddorman@fremont.gov	hcommons@fremont.gov

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**Executive Summary:** In February 2009, the City issued the final \$16,000,000 (Series C) of the \$51,000,000 in voter-authorized General Obligation Bonds approved in the November 2002 election (Fire Safety Project GO Bonds). The City had previously issued Series A for \$10,000,000 in 2003, and Series B for \$25,000,000 in 2005. The City is obligated to annually levy ad valorem taxes upon all taxable properties within the City for the payment of the principal and interest for these bonds. This report recommends that the City Council adopt a resolution (a) to establish the fiscal year 2009/10 tax rate at \$0.01065 per \$100 of assessed valuation (0.01065%), and (b) to request and to authorize the County of Alameda to levy the tax at this rate on all taxable property within the City of Fremont.

**BACKGROUND:** In 2002, Fremont voters passed Measure R with an affirmative vote of 74.4% of the votes cast (only two-thirds was needed) to approve an override tax to pay debt service on \$51 million in Fire Safety Project GO Bonds. The California Constitution permits the voters to approve such taxes that override the general “1% of full cash value” limit on ad valorem property taxes to pay debt service on indebtedness used to acquire or improve real property. Measure R specified that the Fire Safety Project GO Bond proceeds be used to replace three older fire stations with new modern stations, to construct public safety training facilities, and to remodel and to upgrade seven existing fire stations to meet current earthquake standards.

Three bond series totaling \$51,000,000 have been issued: Series A for \$10,000,000 on July 17, 2003, Series B for \$25,000,000 on April 14, 2005, and Series C for \$16,000,000 on February 11, 2009. The Series A and Series B proceeds are now completely spent. Approximately \$15 million of the Series C proceeds remained at June 30, 2009, for project costs.

**Discussion:** The override tax levy applies to both secured and unsecured property and by definition supplements the regular 1% property tax that pays for general city services. Each year the Council sets the override tax rate to generate the taxes needed for eighteen months of bond debt service. The fiscal year 2009/10 override tax rate is calculated below by first computing the net debt service requirement [\$3,280,655], and then dividing this amount by the net assessed value [\$30,818,822,273]. The gross assessed value (adjusted for all exemptions except the homeowners property tax relief exemption) of all taxable properties within Fremont [\$31,936,603,392] is reduced by a 3.5% delinquency factor to arrive at the net assessed value divisor of \$30,818,822,273. The more significant computational steps are as follows:

Bond debt service requirements for eighteen months	\$ 5,177,813
Less: Available cash on hand at June 30, 2009	( 1,710,013)
Less: Unsecured property override tax levy	( 187,145)
Subtotal: Net debt service requirement	\$ 3,280,655
Divide by: Net property assessed value	<u>\$ 30,818,822,273</u>
Equals: Override tax rate for fiscal year 2009/10	<u>0.01065%</u>

Before dividing to compute the fiscal year 2009/10 tax rate, the net debt service requirement is derived by subtracting both the available cash on hand at June 30, 2009 [\$1,710,013], and the unsecured tax levy net of anticipated unsecured tax delinquencies [\$187,145] from the eighteen-month debt service requirement [\$5,177,813]. By using an eighteen month debt service horizon, bondholders are assured of prompt debt service payments despite the difference in the dates on which property tax revenues are received versus the dates on which debt service payments are due. However, the eighteen month horizon is short enough that the City does not exceed the limit of thirteen months on debt service cash on hand that is imposed by U.S. Treasury Regulations for tax-exempt debt. Available cash at June 30, 2009, was \$1,710,013, which was \$949,677 more than the \$760,336 available at June 30, 2008.

The net unsecured property assessed value of \$2,359,955,201 was computed by reducing the gross unsecured property assessed value of \$2,445,549,431 (this value is supplied by the Alameda County Assessor) by a 3.5% delinquency factor. California Revenue and Taxation Code Section 2905 permits the current year's secured tax rate to be used as next year's unsecured tax rate because of the different levy dates used for secured and unsecured property taxes. Therefore, the fiscal year 2008/09 secured tax rate of \$0.00793 per \$100 of assessed value (0.00793%) becomes the fiscal year 2009/10 unsecured tax rate, and is multiplied by the net unsecured property assessed value to compute the net unsecured tax revenues [\$187,145].

Gross property assessed values for both secured and unsecured properties are reduced by the 3.5% delinquency factor to assure bondholders of their full debt service payments regardless of taxpayer payment performance. Last year, the formula used a delinquency factor of 5.0% to account for the greater number of delinquent property tax payments caused by the national economic problems. With the economy seeming to stabilize and delinquent property taxes being brought current, the 3.5% delinquency rate that was used in the years before the severe economic downdraft is incorporated into this year's formula. Should this assumption prove to be too optimistic, the calculation provides for sufficient "cushion" so that payments to bondholders will not be in jeopardy. Updated property tax delinquency rate information has not yet been provided by the County.

The secured override tax rate for fiscal year 2009/10 of 0.01065% increased over fiscal year 2008/09's rate of 0.00793% primarily because of two factors: (1) fiscal year 2009/10 will be the first year in which debt service payments are made for the newly issued Series C bonds, and (2) principal payments for the Series A and B bonds are increasing in accordance with their debt service schedules. The assessed value base used to generate the property taxes needed for the debt service payments increased by 1.26%, which somewhat diminished the impact of the additional debt service requirements.

By adopting the proposed resolution, the City Council authorizes the County of Alameda to levy and collect the required debt service amount of \$3,280,655 by assessing all taxable property within the City of Fremont with an override tax in addition to the regular 1% ad valorem tax and any other voter-approved override taxes. The taxes for the Fire Safety Project GO Bonds will be billed on the regular property tax bills sent to property owners.

**ENCLOSURE:** [Resolution](#)

**RECOMMENDATION:**

1. Establish the Fire Safety General Obligation Bonds tax rate of \$0.01065 per \$100 of assessed valuation (0.01065%) for fiscal year 2009/10.
2. Adopt a resolution requesting and authorizing the County of Alameda to levy a tax on all taxable properties in the City as a voter-approved levy with respect to the Fire Safety Project GO Bonds.

**\*2.6 G, I & J STREET STREETScape PROJECT**

**Approval of Plans and Specifications and Award of Contract in the Amount of \$1,708,644.00 to the Lowest Responsible Bidder for the G, I and J Street Streetscape Project Between Niles Boulevard and Second Street, City Project No. 8640 (PWC)**

**Contact Person:**

Name:	Jeanne Suyeishi	Norm Hughes
Title:	Associate Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4728	510-494-4748
E-Mail:	jsuyeishi@fremont.gov	nhughes@fremont.gov

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**Executive Summary:** The purpose of this report is to recommend that City Council approve the plans and specifications for the G, I & J Street Streetscape project between Niles Boulevard and Second Street, City Project No. 8640 (PWC), accept the bid and award the contract for construction to Granite Rock Company DBA Pavex Construction in the amount of \$1,708,644.00.

**BACKGROUND:** The Redevelopment Agency adopted its 2006/07 budget at the June 6, 2006 Agency Board meeting. This budget included preliminary engineering funds to extend the streetscape improvements undertaken in the area in the late 1990's to the remainder of the commercial district, mainly I & J Streets. At the June 10, 2008, Agency Board meeting, the Redevelopment Agency adopted its 2008/09 budget and appropriated the remainder of the funds for construction of I & J Streets and also included funding for streetscape improvements on G Street. Funds were also appropriated for the new site for Fire Station #2 at the corner of G Street and Niles Boulevard due to the significance of this site in the overall revitalization of the Niles district.

**Project Description** - The proposed project is streetscape improvements on G, I and J Street between Niles Boulevard and Second Street in the Niles Planning Area. Improvements include street reconstruction; sidewalk widening; curb ramp, curb and gutter installation; landscaping; decorative lighting and furniture installation; and on-street parking reconfiguration. The street reconstruction will require excavation on G, I & J Streets for a depth of 10 inches and 12 inches on Niles Boulevard. New storm drain inlets are proposed for G Street. New storm drain facilities, including inlets and underground storm drainage pipes, will be installed on I, J and Second Streets. All existing driveway approaches will be replaced. New street trees will be installed in tree wells and street pop outs and existing street trees that are in conflict with the proposed plans will be removed. All lighting and furniture installation will be of like type, material and color to the existing lighting and furnishings on Niles Boulevard. The proposed decorative lighting is a 14-foot tall dual-head hooded street light.

**G STREET DETAIL:** The project area on G Street is approximately 320 linear feet and 25,600 square feet. On G Street, the sidewalk width will remain 10 feet on both the east and west sides between Niles Boulevard and Iron Horse Lane. The sidewalk width will increase from the existing 7 feet to 8 feet on both the east and west sides of the southern half block from Iron Horse Lane to Second Street.

Streetscape improvements on G Street include eight new street trees. Two will be planted in street pop outs near Iron Horse Lane and six will be planted in tree wells. Steel benches, ornamental planters and trash receptacles will be installed adjacent to the new fire station and on the east side of the street. Eleven new street lights will be installed as part of this project, including three street lights in front of the fire station.

**I STREET DETAIL:** The project area on I Street is approximately 400 linear feet and 31,400 square feet. The sidewalk width will remain 15 feet on the west side and increase from 11 feet to 12 feet on the east side of the northern half block between Niles Boulevard and Iron Horse Lane. The sidewalk width will increase from 12 feet to 13 feet on the east side and from 11 feet to 13 feet on the west side of the southern half block from Iron Horse Lane to Second Street. The project proposes new sidewalk, curb and gutter installation along the I Street frontage of the Fremont Register of Historic Resources, Niles Courthouse at 37702 Second Street. The sycamore trees are proposed to remain and will be protected during construction.

Streetscape improvements on I Street include 12 new street trees. The project proposes two large street trees to be planted in street pop outs flanking Iron Horse Lane on the west side. Nine trees will be planted in tree wells. Steel benches, ornamental planters and trash receptacles will be installed adjacent to the Fremont Bank Building and on the west side of the street. Twelve new street lights will be installed.

**J STREET DETAIL:** The project area on J Street is approximately 400 linear feet and 29,600 square feet. On J Street, the sidewalk width will be increased from 7.5 feet to 13 feet on the east and 12 feet to 13 feet on the west side of the northern half block between Niles Boulevard and Iron Horse Lane. The sidewalk width will increase from 11.5 feet to 13 feet on the east side and 12 feet to 13 feet on the west side of the southern half block from Iron Horse Lane to Second Street. Streetscape improvements on J Street include 14 new street trees. The project proposes two large street trees to be planted in street pop outs flanking Iron Horse Lane on the east side. Twelve trees will be planted in tree wells. Steel benches, ornamental planters, and trash receptacles will be installed adjacent to the Odd Fellows (Macau Cultural Center) building and along the east side of the street. Ten new street lights will be installed.

**PARKING:** Parking will be reconfigured and re-striped on G, I and J Street. On-street parking on G Street will be reduced from 18 parallel parking spaces to 15 parallel parking spaces. On-street parking on I Street will be reduced from 31 parking spaces to 25 parking spaces to accommodate pop outs for the large street tree installation and due to restriping of parking spaces with standard size stalls. On-street parking on J Street will be reduced from 33 parking spaces to 22 parking spaces to accommodate the sidewalk widening and pop outs for the large street tree installations. The project results in a total reduction of 20 on-street parking spaces.

**SECOND STREET DRAINAGE & PAVEMENT RECONSTRUCTION** – During the design of the project, staff determined that in order to provide storm drainage for I and J Streets, a new storm drain system was needed along Second Street from J Street with a tie into the existing system at Second Street and H Street. The pavement on Second Street between the existing fire station site and I Street is in poor condition. Due to the trench work in this area to install the storm drain system, staff also determined that portions of the street would need to be reconstructed in order to conform the storm drain trench to a

sound pavement section. Because this area is outside of the redevelopment project area, staff is recommending additional funds be transferred to this project for this work. The recommended source of funding is the Citywide Overlay Project, PWC8234.

**FIRE STATION #2 COORDINATION** – Because the Redevelopment Agency had already approved funding for the G Street streetscape work, G Street was added to the I and J Street project to reconstruct the poor pavement fronting the new fire station location before the fire station becomes operational. Staff has worked diligently to coordinate the timing and schedule of the streetscape project to start right after the fire station work is complete. As the streetscape project plans were being finalized, staff determined that the sidewalk and lighting along the fire station would be more appropriate to be added to the streetscape project. The plans were modified to include this work.

**DISCUSSION/ANALYSIS:**

**Bid Results:** Bids were received on July 8, 2009 for the G, I and J Street Streetscape project between Niles Boulevard and Second Street, City Project No. 8640 (PWC). Bids were received, as follows:

<u><b>BIDDER</b></u>	<u><b>TOTAL BID</b></u>	<u><b>RANK</b></u>
Granite Rock Company (DBA Pavex Construction Division)	\$1,708,644.00	1
Bay Cities Paving & Grading, Inc.	\$1,884,221.33	2*
Granite Construction Company	\$1,925,925.00	3
Wattis Construction Co., Inc.	\$2,109,949.00	4
Gorden N. Ball, Inc.	\$2,147,088.00	5
Engineer's Estimate	\$2,000,000.00	

\* Mathematically corrected

The low monetary bidder, Granite Rock Company, submitted a responsive bid, is experienced in this type of project and is a responsible contractor.

**FISCAL IMPACT:**

**Maintenance Impact:** The estimated annual cost of maintenance for labor and materials as a result of this project is \$5,000. The increase in the annual cost of maintenance for labor and materials for this portion of G, I and J Streets due to the project will be absorbed within the existing operating budget.

**PROJECT COSTS AND FUNDING:** The following is a summary of actual and estimated project costs:

Preliminary Engineering, Design & Administration	\$367,500
Landscape Design	\$41,500
Temporary Construction Easements & Right of Way Administration	\$33,000
Construction Contract (Low Bid)	\$1,708,644
(Includes \$180,000 in construction contingency)	
Construction Inspection, Surveying and Administration (estimate)	\$250,000

Project Contingencies	<u>\$170,000</u>
<b>Total Estimated Cost:</b>	<b>\$2,570,644</b>

Funding programmed for the project is as follows:

<u>Source</u>	<u>Description</u>	
Fund 142	Gas Tax, 8234(PWC) - Citywide Overlay	\$88,500*
Fund 951	Redevelopment Funds, 8640(PWC) - I and J Streets	\$2,190,000
Fund 951	Redevelopment Funds, 8689(PWC) – G Street	<u>\$690,000</u>
<b>Total Estimated Available Funding</b>		<b>\$2,968,500</b>

\*The work on Second Street to reconstruct the poor portions of pavement. This work is outside the redevelopment project area.

Based on the current project estimate, there are sufficient funds available in this project.

**ENVIRONMENTAL REVIEW:** A Mitigated Negative Declaration (PLN2009-00120) for this project was adopted by the Historical Architectural Review Board on March 5, 2009, in conformance with the requirements of the California Environmental Quality Act (CEQA), with a finding that there is no substantial evidence that the project, as mitigated, will have an adverse effect on the environment.

**ENCLOSURE:** [Landscape Plan](#)

#### **RECOMMENDATIONS:**

1. Approve the Plans and Specifications for the G, I and J Street Streetscape Project between Niles Boulevard and Second Street, City Project No. 8640 (PWC).
2. Accept the bid and award the construction contract for G, I and J Street Streetscape between Niles Boulevard and Second Street, 8640 (PWC) to the lowest responsible bidder, Granite Rock Company DBA Pavex Construction, in the amount of \$1,708,644.00, and authorize the City Manager or his designee to execute the contract.
3. Approve the transfer of appropriation of \$88,500 from Fund 142 (Gas Tax) PWC8234 (Citywide Overlay) to 142PWC8640.



**\*2.7 SABERCAT CREEK RESTORATION PROJECT COST SHARING AGREEMENT  
Approval of Cost Sharing Agreement with Alameda County Flood Control and Water  
Conservation District to Reimburse Fremont for Engineering Design Costs Related to  
Sabercat Creek Restoration Project**

**Contact Person:**

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**Executive Summary:** In April 2009, the City Council authorized the City Manager to execute a not-to-exceed \$130,000 contract with Questa Engineering for engineering design and permit application services related to creek bank stabilization and public access improvements at Sabercat Creek. The Alameda County Flood Control and Water Conservation District (District) has an interest in the project because Sabercat Creek's severe bank erosion negatively impacts the District's flood control facilities downstream. The District has agreed to contribute to the project by reimbursing the City up to \$130,000 for the services provided by Questa Engineering as well provide in-kind services with an estimated value of \$50,000. Staff recommends the City Council authorize the City Manager to execute a cost sharing agreement between the City of Fremont and the District that would confirm the District's commitment to reimburse the City for Questa Engineering's work on the Sabercat Creek Restoration Project and would detail the District's role in the project. The approximately \$2.0 million project is being funded through a \$1.2 million California Rivers Parkways grant, with the remainder of the funding coming from the City's Urban Runoff Fund. Authorization of the cost sharing agreement will have no General Fund impact but will reduce the Urban Runoff funding needed for the project.

**BACKGROUND:** The Sabercat Creek Restoration project area is unique as it is one of the last natural riparian areas in Fremont and provides urban open space with a large portion of the project area accessible by trail. Unfortunately, urbanization upstream has caused detrimental downstream changes in Sabercat Creek including severe bank erosion, which threatens existing trail access, negatively impacts water quality and impacts the District's flood control facilities downstream. The Sabercat Creek Restoration project will stabilize sections of eroded creek bank, thereby mitigating the negative impact on the District's downstream facilities. It will also enhance the riparian habitat by removing exotic plants and reintroducing native plant species and will extend the trail connecting two pedestrian pathways and add amenities along the creek including interpretive signage and picnic tables. The project is expected to be completed by October 2010.

In June 2008, the City was awarded at \$1.2 million grant from the State of California – California River Parkways Grant program for the Sabercat Creek Restoration project. When the California River Parkways Program grant application was initially submitted, it was envisioned that District staff would complete the project design and permit application work. The District subsequently indicated its preference that the City outsource this work and be reimbursed by the District in FY 2009/10, due to

staff resource and budget constraints. In April 2009, the City selected Questa Engineering to conduct engineering design and permit application services related to the Sabercat Creek Restoration Project.

**DISCUSSION/ANALYSIS:** Staff is recommending the City enter into a cost sharing agreement with Alameda County Flood Control and Water Conservation District that details the District's role in the project and funding commitment. The District would agree to fund the cost to prepare all plans and specifications for the Sabercat Creek Restoration project designed by Questa Engineering in addition to permit application services with a not-to-exceed cap of \$130,000. The District will be responsible for the timely review and written approval of plans, specifications, and estimates as well as final inspections for the in-creek portion of the project. The District will perform supplemental inspections and will assist in permitting as needed. These in kind services are valued at approximately \$50,000. The City will be responsible for all project management, including any contract amendments, schedule extensions, if any, and all payments to Questa Engineering. The City will also be responsible for all construction management (including advertising and bidding of the construction project), change orders, construction safety issues and all payments to the construction contractors. The City will have lead responsibility for inspections.

The District and City acknowledge that as the project progresses there may be additional creek bed erosion discovered. In the event there are unforeseen additional engineering costs, permit application or other costs as a result of this additional erosion, or delays in the project or other unforeseen circumstances, the City will prepare an additional scope of work to be reviewed and approved by the District. The City will not approve a revised scope of work or additional fees for Questa Engineering above the \$130,000 limit without the express written approval of the District. The District agrees to review such a request from the City within 30 calendar days of submittal.

**FISCAL IMPACT:** The cost-sharing agreement will have no impact on the City's General Fund and will reduce the City's costs by approximately \$180,000 that would otherwise be borne by the City's Urban Runoff fund.

**ENVIRONMENTAL REVIEW:** This project will be the subject of appropriate environmental review in conjunction with design development.

**ENCLOSURE:** None.

**RECOMMENDATION:** Authorize the City Manager or designee to enter into the cost-sharing agreement and implementing documents with the Alameda County Flood Control and Water Conservation District for the engineering design and permit application services related to the Sabercat Creek restoration project as described in this staff report.

**\*2.8 MISSION BOULEVARD/WARREN AVENUE/FREIGHT RAIL ROAD RELOCATION PROGRAM**

**Adopt a Resolution to Allow the City Council to Hear and Adopt Resolutions of Necessity to Acquire Real Property for a Project on the State Highway System**

**Contact Person:**

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**Executive Summary:** The purpose of this report is to request that the City Council adopt a resolution to allow the City Council to hear and adopt resolutions of necessity to acquire real property for a project on the State highway system.

**BACKGROUND:** The completion phase of the I-880/Mission Boulevard Interchange Project includes the widening of Mission Boulevard, the construction of ramps to Kato Road, the Warren Avenue Grade Separation and reconstruction of the truck-to-rail transfer facility south of Warren Avenue. Together, these three projects are known as the Mission/Warren/Truck-Rail (MWT) Program. The MWT Program is a project on the State highway system, since the Program impacts both I-880 and Mission Boulevard (SR 262).

On April 28, 2009, the City Council approved a Right of Way Acquisition and Utility Relocation Agreement for the MWT Program with the Alameda County Transportation Authority (ACTA) and the Santa Clara Valley Transportation Authority (VTA). The agreement calls for VTA to be responsible for managing the overall right of way acquisition effort, but Fremont will assist VTA and is responsible for the acquisition of the right of way needed for the Program. Fremont's real property staff will be the lead on most of the right of way acquisitions for the Warren Grade Separation and Mission Boulevard Widening components.

State statute allows the California Transportation Commission, and cities and counties in which the property is located to hear and adopt resolutions of necessity for the acquisition of property needed for projects on the State highway system. For the City to acquire the needed right of way, the Caltrans Right of Way Manual requires that the City Council pass a resolution by a two-thirds vote agreeing to hear resolutions of necessity to acquire the needed right of way for the project. If, in the future, the City needs to use eminent domain to acquire any right of way required for the MWT Program, staff will return to the City Council to request that the City adopt resolutions of necessity.

The Santa Clara Valley Transportation Authority (VTA) has recently completed 95% of the final design of the MWT program. To remain on schedule, VTA now must begin the right of way acquisition and utility relocation. Thus, staff is requesting that the City Council adopt a resolution to allow the City Council to hear and adopt resolutions of necessity to acquire real property for the MWT Program as a project on the State highway system.

**FISCAL IMPACT:** The cost to acquire the right of way for the MWT Program is shared between ACTA, VTA and Fremont. On March 24, 2009, the Council approved Amendment #2 to the Final Design Agreement between ACTA, VTA and the City. The Amendment calls for VTA to increase its final design funding by \$1,961,000, for a new total of \$6,902,500, and the City to increase its funding by \$1,566,000, for a new total of \$5,507,500. Part of this amount will cover the cost to appraise the properties. On April 28, 2009, the Council approved a Right of Way Acquisition and Utility Relocation Agreement between ACTA, VTA and the City. The Agreement commits the City to fund up to \$10,313,476 for right of way and utility relocation for the MWT Program. Caltrans, through ACTA, will provide \$2.3 million and VTA will provide \$11.2 million.

**ENVIRONMENTAL REVIEW:** As noted earlier, the MWT program consists of three projects: the widening of Mission Boulevard, the Warren Avenue Grade Separation, and the relocation of the Freight Rail facility. The widening of Mission Boulevard was environmentally cleared by Caltrans in January 2002 by the adoption of a Negative Declaration/Initial Study pursuant to the California Environmental Quality Act (CEQA) and Finding of No Significant Impact/Environmental Assessment pursuant to the National Environmental Policy Act (NEPA).

The Warren Avenue Grade Separation Project was environmentally cleared on or about July 3, 2002 by Statutory Exemption by Fremont.

The Freight Rail Relocation Project was environmentally cleared by VTA in 2007 with an Initial Study/Mitigated Negative Declaration.

**ENCLOSURE:** [Draft Resolution](#)

**RECOMMENDATION:** Adopt a Resolution to allow the City Council hear and adopt Resolutions of Necessity to Acquire Real Property for the MWT Program on the State Highway System.

**\*2.9 CONTRACT AWARD FOR POLICE DEPARTMENT SECURITY CARD ACCESS RENOVATION**

**Consideration of an Agreement with EMCOR Integrated Solutions, Inc. to Renovate the Police Department Security Card Access System at a Cost Not-To-Exceed \$250,000**

**Contact Person:**

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**Executive Summary:** The City of Fremont (City) is looking to renovate the existing, outdated Simplex card access control system at the Police Department (PD) Administration Building, located at 2000 Stevenson Boulevard, by replacing and integrating it with the Continuum access control system by TAC, currently used throughout other City buildings. In addition, components will be added to the existing access control system at the PD Detention Center, which is already on the City-wide system. The estimated construction cost is \$250,000. Staff is requesting that the City Council approve the plans and specifications prepared by the City's consultant, Security By Design (SBD), which will be used to renovate the card access control system at the PD Administration Building and Detention Center, and authorize the City Manager, or designee, to award and execute a \$250,000 sole source construction contract to EMCOR Integrated Solutions, Inc. (EMCOR).

**BACKGROUND:** The PD Administration Building was the City's first building to have a card access system (the Simplex system), which was installed during its construction in 1993. At that time, all other City buildings were accessed by standard metal keys issued to employees. On June 12, 2001, the City Council approved the 2001-06 Capital Improvement Program that included a five-year program for a City-wide, standardized building security system replacement. On May 28, 2002, the City Council approved the award of a construction contract for installation of TAC's Continuum card access control system at City Hall Buildings A and B; the Development Center; the Family Resource Center; and five Community Centers. The TAC Continuum system has been installed at 29 buildings to date, including Fire Stations, the Maintenance Center, and the Senior Center.

The City has determined that the Simplex system at the PD Administration Building needs to be replaced due to the fact that the system has minimal features, is difficult to use, and replacement parts are obsolete and therefore not available. For example, the dedicated system keyboard sticks badly and needs to be replaced, but a replacement is not available. If it was, replacing the keyboard would require rebooting the DOS based system and staff from the City's Information Technology Services (ITS) Department is not sure the system would come back up. Since access to the building is dependent on this system, ITS will not risk doing any maintenance in an attempt to improve performance. If the Simplex system goes down, PD security would be compromised; therefore, it is imperative to renovate the current system as soon as possible. In addition, PD is requesting the addition of new biometric readers to be used in conjunction with the existing Continuum card reader system to be installed at the Property Warehouse. The Property Warehouse contains items that require an additional level of security such as

drugs, weapons and currency. The purpose of the biometric readers is to ensure the security of the items and to safeguard the chain of custody protocol. Authorized employees accessing the Property Warehouse will be fully identified through the use of the biometric readers.

The City's Building Maintenance Division, with the concurrence of the Police Department, recommended that the PD Administration Building be integrated with the City-wide Continuum system and requested that the City's contracted consultant, SBD, prepare plans and specifications following the City's established Implementation Standards for the Continuum system (a copy of the plans and specifications is available in the City Clerk's Office). In general, the renovation design consists of the following:

1. Modification of the programming of existing alarm zones
2. Adding new Controller with Area Control Units
3. Adding new Area Control Units with Junction Boxes
4. Adding new Request To Exit (REX) detectors at the existing access controlled doors
5. Adding new Magnetic Door Contacts at the existing access controlled doors
6. Replacing existing Card Readers
7. Programming, testing, and making fully operational the specified equipment and all associated conductors
8. Adding new Biometric Readers

Based on the card access renovation design, a construction estimate was obtained by the City from EMCOR, the local TAC authorized "partner" designated by TAC to provide hardware, software, and technical services to the City of Fremont for the City-wide security control system. The \$250,000 estimate was then reviewed and determined by staff to be fair and reasonable price for the scope of work to be provided.

**DISCUSSION/ANALYSIS:** Staff has determined that standardizing the card access control system in the PD Administration Building by installing Continuum components is cost-effective because the new system will integrate with the existing City-wide system already present in twenty-nine other buildings, thereby reducing costs of having to install and maintain a completely different type of security system. Integrating the PD Administration building card access control system with the City-wide system will also provide cost-savings through the following mechanisms:

Implementation Standards The current series of Implementation Standards have been used for every expansion of the Continuum system since initial installation. The Standards provide a framework whereby each expansion is consistent with the current security system architecture. The Standards are exclusive to the TAC Continuum product line and detail criteria, parameters, quality, and functionality of the system. If another system were to be used at PD, a new set of Implementation Standards would have to be written based on the new system; this would be expensive (over \$10,000) and time-consuming.

Minor Installations and Maintenance The City has its own in-house Building Maintenance technicians for maintenance, repair, and minor installations of the Continuum system hardware and related components. The technicians have been trained specifically on the Continuum system by TAC, and are

able to respond quickly to system malfunctions and install/replace additional system components as needed. The training on security systems is generally very expensive and time-consuming; therefore staying with the same security system at PD is less expensive because technicians will not have to be trained on a separate system, and will be able to provide continued quick response if the system malfunctions. In addition, Building Maintenance personnel maintain the records in the security system database, such as receiving requests to add, delete, and make changes to employee security access and building door schedules. Having to train personnel on how to manage and input records into a new security system database (including coordinating between two different systems) would be expensive, time-consuming, and lead to possible errors in record input. The Building Maintenance function has recently lost two permanent positions due to a recent City-wide reduction in work force; therefore, it is important to minimize the workload where possible. Having one consistent City-wide security system helps minimize workload impacts.

Hardware Cost And Inventory Control Hardware for the TAC Continuum system is purchased through EMCOR by the City based on “government pricing” according to the General Services Administration (GSA) contract; therefore, no markup is applied to hardware. This ensures that the City receives competitive pricing on hardware. Building Maintenance staff keeps an inventory of Continuum hardware for additions and replacements, as needed. Having hardware on hand for one system helps streamline ordering and management of inventory and also insures availability of frequently used parts.

ITS Support From an ITS standpoint, it is more efficient in terms of cost and personnel to maintain one security system rather than having two separate systems. Due to the recent City-wide reductions in work force, ITS lost two permanent programmer analyst positions that provide support for systems such as Continuum; therefore, it is important not to add another new system that ITS would have to be trained on, provide database maintenance for, or perform administrative/operations tasks on.

Technical Service Assistance (Outside Service Provider) Occasionally, Building Maintenance receives outside technical help on software programming of the Continuum security system. The technical service is provided by EMCOR. Coordinating with one outside company for technical assistance streamlines the programming process. If the City had two separate security systems, Building Maintenance would have to coordinate with two separate companies and maintain two separate contracts, which would be a burden on Building Maintenance personnel.

Building Maintenance has evaluated the options in regards to companies that might be able to provide the construction services and parts needed for the PD Administration renovation project and has determined that, based on TAC Policy, EMCOR is the only company available for this work. The TAC Policy states that TAC sells and services its products through an independent partner organization for building automation and security system needs. TAC will only provide the TAC Continuum products and services through TAC authorized companies that cover distinct geographical areas; EMCOR is the company designated in the service area containing the City of Fremont. The City has used EMCOR for various security control system parts and services in the past. Building Maintenance has found EMCOR’s standard rates to be competitive within the industry, and has received good service from EMCOR due to the fact that they have been responsive, knowledgeable, and have suggested cost-cutting measures where possible.

Staff believes that entering into a “sole source” contract with EMCOR meets the purpose and goals identified in the Purchasing Ordinance, Section 2-9102. Therefore, in accordance with the City’s Purchasing Ordinance Section 2-9701, the City Manager approved an “Exception for Specialty Items” for a sole source with EMCOR on June 29, 2009.

**FISCAL IMPACT:** The construction estimate provided by EMCOR and confirmed by staff is approximately \$250,000. There are sufficient funds available in PWC 8376 - Building Security System Replacement Citywide, to award this sole source contract and provide funding for staff and construction contingencies.

**CONTRACT DURATION:** The contractor will perform and substantially complete the work for this contract in 90 calendar days from the date of the Notice to Proceed. Staff has calculated liquidated damages of \$300 per calendar day for the contractor’s failure to complete the work within the specified contract time. The new security card access system will be completed prior to the start of the Police Building seismic retrofit construction. The new access system will improve building security during the retrofit construction.

**ENVIRONMENTAL REVIEW:** This project is categorically exempt under Section 15301 of the California Environmental Quality Act.

**ENCLOSURE:** None.

**RECOMMENDATIONS:**

1. Approve the plans and specifications prepared by the City’s consultant, Security By Design, which will be used to renovate the card access control system at the PD Administration Building and Detention Center.
2. Authorize the City Manager, or designee, to award and execute a sole source construction contract to EMCOR Integrated Solutions for \$250,000.



## **\*2.10 ABODE SERVICES SOCIAL SERVICE GRANT AGREEMENT**

### **Authorize the City Manager or his Designee to Execute a Social Service Grant Agreement with Abode Services in the Amount of \$155,929**

#### **Contact Person:**

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**Executive Summary:** Staff recommends the City Council authorize the City Manager or his designee to execute a social service grant agreement with Abode Services, formerly known as Tri-City Homeless Coalition in the amount of \$155,929. Under this contract, Abode Services will provide shelter and 24-hour supportive services (including meals, case management and job counseling) to homeless families and individuals in one of its shelter service programs. Services will be provided at Sunrise Village, BridgeWay apartments and Winter Relief emergency shelters to homeless families and individuals as well as emancipated youth. While most social service grant agreements were authorized as part of the FY 2009/10 budget process, this particular contract exceeds the \$100,000 City Manager's signing authority; therefore, the contract execution requires Council approval.

**BACKGROUND:** Since the late 1970s, the City of Fremont has administered a grant program to not-for-profit agencies for the delivery of social services to residents of Fremont. The City's Social Service Grant program is supported by a mixture of the General Fund, Community Development Block Grant (CDBG) funds, and Measure B Paratransit funds, although the proposed agreement with Abode Services is funded entirely by the General Fund. The City awards social service grants to non-profit agencies on a three-year funding cycle contingent upon yearly satisfactory performance and continued fund availability. FY 2009/10 is the third year of the current funding cycle (FY 2007/08 – FY 2009/10). The Human Relations Commission (HRC) and the Senior Citizens Commission (SCC) oversee this grant program and provide funding recommendations to the City Council annually. Typically, these recommendations occur in April, prior to the start of each fiscal year, and include authorization for the City Manager to execute agreements with the non-profit organizations.

Due to a four month delay in the announcement of the City's CDBG funding allocation by the U.S. Department of Housing Urban Department (HUD), the commissions did not have the funding information necessary to submit a FY 2009/10 funding recommendation in April 2009. As an alternative, the commissions submitted their Social Service Grant funding recommendations through the City FY 2009/10 budget adoption process, which concluded on June 9, 2009. The City Council appropriated a total of \$817,104 to support 19 social service grantees, including \$155,929 to Abode Services to provide homeless services.

**DISCUSSION/ANALYSIS:** The social service grant award for Abode Services is \$155,929, which exceeds the City Manager's authorization to execute the contract on behalf of the City. All of the other grant award amounts are within the City Managers authorization to execute contracts. Staff recommends

the City Council authorize the City Manager or his designee to execute a social service grant agreement with Abode Services for FY 2009/10.

**FISCAL IMPACT:** The City Council appropriated a total of \$155,929 in general funds to Abode Services as part of the FY 2009/10 Adopted Budget. The social service grant funds are instrumental in maintaining the stability of the City's current social service programs, which are greatly needed during this economic downturn.

**ENCLOSURE:** None

**RECOMMENDATION:** Authorize the City Manager or his designee to execute a social service grant agreement with Abode Services in the amount of \$155,929.

## **\*2.11 BICYCLE PARKING FACILITIES IMPROVEMENT**

### **Approval of Plans and Specifications and Award of Contract for Citywide Bicycle Parking Facilities Project (PWC 8645) in the amount of \$115,399.47**

#### **Contact Person:**

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**Executive Summary:** This report requests the City Council approve the plans and specifications, accept the bid, and award the contract to Rodan Builders Inc., the lowest responsive and responsible bidder, in the amount of \$115, 399.47, for the Citywide Bicycle Parking Facilities Project (PWC 8645). The report also requests that the City Council appropriate \$25,000 from the Citywide Bicycle and Pedestrian Projects account, Fund 509PWC8541, to the Citywide Bicycle Parking Facilities Improvement Project, 509PWC8645, in order to fund the project shortfall.

**BACKGROUND:** On August 29, 2007, the Metropolitan Transportation Commission (MTC) granted \$265,568 of Transportation Development Act, Article 3, Bicycle and Pedestrian Funds (TDA Funds) to the City. The City Council appropriated the grant funds to the Citywide Bicycle Parking Facilities Improvement Project, PWC 8645. On December 11, 2007, the City Council appropriated \$138,000 of the \$265,568 TDA Funds from PWC 8645 to BART in order to fund installation of 36 bicycle lockers at the Fremont BART station. BART is scheduled to complete the installation of the bicycle lockers by December 31, 2009. Staff is proposing to use the remaining funds (\$127,568) in PWC 8645 to complete the Citywide Bicycle Parking Facilities Project. The project involves installation of 16 new bicycle lockers and 79 bicycle racks at various locations in the city.

The bicycle lockers will be installed at the following locations: eight at Centerville Train Depot, four at Mission San Jose Park & Ride Lot and four at the Family Resource Center. The 79 bicycle racks will be installed at 21 locations in the City (14 at the County libraries in the City, 20 at various City parks, 24 at various community centers, two at City Hall, three at the City Development Center, five at the Family Resource Center, four at the Centerville Train Depot, four at the Tri-City Health Center, and one each at the Tri-City Animal Center, Fremont DMV, and Irvington Train Depot, respectively). The bicycle rack and bicycle locker installation sites were selected with input from the City's Bicycle and Pedestrian Technical Advisory Committee. Based on staff's evaluation, this project will satisfy the bicycle parking requirements at these public facilities.

**DISCUSSION:** The project was advertised, and bids were opened on June 24, 2009. The bidders with their respective bid amounts are as follows:

<b>Bidder</b>	<b>Total Bid Amount</b>
Rodan Builders Inc.	\$115, 399.47*
Redwood Engineering Construction	\$124,425.00
<i>Engineer's Base Bid Estimate</i>	<i>\$90,349.00</i>

\* Mathematically corrected bid

The low bid for the project by Rodan Builders Inc., of \$115,399.47 is \$25,050.47 above the Engineer's Estimate. Upon review of the Engineer's Estimate, it became apparent that the unit prices in the Engineer's Estimate erroneously used prices from much larger projects for items such as concrete removal and clearing and grubbing. The subject project has only small quantities of this work and the work is dispersed around the City at multiple locations. Staff has since reevaluated the Engineer's Estimate, and using more appropriate unit prices, determined that an Engineer's Estimate of approximately \$120,000 is more appropriate. Therefore, staff believes the low bid is a fair and reasonable price to pay for the work required. The low bidder, Rodan Builders Inc. is a responsible bidder, its bid is responsive, and all bid documents are in order. Therefore, staff recommends that the construction contract be awarded to Rodan Builders Inc.

**Project Cost and Funding:** The following is a summary of the estimated total project cost:

Preliminary Design	\$ 5,000
Design	\$ 15,000
Project Administration	\$ 8,000
Printing and Advertising	\$ 1,100
Construction Contract	\$ 115,400
Construction Administrative & Inspection (Estimate)	\$ 8,000
Total Project Cost	<u>\$ 152,500</u>

Project funding:

Fund 107 – TDA Article 3 Bicycle and Pedestrian Program	\$ 127,568
Fund 509 – ACTIA Measure B, Bicycle & Pedestrian Program*	\$ 25,000
Total Project Budget	<u>\$ 152,568</u>

\*To make up the project shortfall, staff recommends that \$25,000 from the City's Citywide Bicycle and Pedestrian Projects account, Fund 509PWC8541, be appropriated to the Citywide Bicycle Parking Facilities Project, 509PWC8645.

**ENVIRONMENTAL IMPACT:** This project is categorically exempt under Section 15301(c) of the Guidelines for California Environmental Quality Act as a minor alteration of an existing facility.

**ENCLOSURE:** None

**RECOMMENDATION:**

1. Approve the plans and specifications, accept the bid and award the construction contract for the Citywide Bicycle Parking Facilities Project (City Project No. 8645 PWC) to Rodan Builders Inc., in the amount of \$115, 399.47, and authorize the City Manager or his designee to execute the contract.
2. Appropriate \$25,000 from the City's Citywide Bicycle and Pedestrian Projects account, Fund 509PWC8541, to Citywide Bicycle Parking Facilities Project, 509PWC8645, to fund the project shortfall.

**\*2.12 DESIGNATION OF TURF MATERIAL BAY SPECIFIC BRAND NAME FOR CENTRAL PARK DOG PARK PROJECT (PWC8431)**

**Find that K9 Classic Synthetic Turf is a Necessary Item that is Available from Only One Source for the Central Park Dog Park, City Project No. PWC8431**

**Contact Person:**

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**Executive Summary:** This report recommends that the City Council make a finding pursuant to Public Contract Code section 3400 (b) that the turf material for the reconstructed Central Park Dog Park project be designated by specific brand or trade name in order to obtain a necessary item that is only available from one source.

**BACKGROUND:** Several facilities within Central Park will be affected by the BART Warm Springs Extension Project. Per the City's agreement with BART, the Central Park Dog Park, and related facilities, will be removed and reconstructed at a new location by BART as a first order of work, before the undergrounding of the BART extension begins. Also, per the agreement, the City will reconstruct the dog park within 21 days after BART completes these facilities. Public Contract Code section 3400(b) authorizes the City to designate a material by specific brand or trade name in project specifications in order to obtain a necessary item that is only available from one source. Staff is recommending that K9 Classic Synthetic Turf surfacing from Forever Lawn, Inc., be listed in the bid package for the dog park project as the only acceptable turf material because it is the only known vertically draining synthetic turf for dog parks.

**Justification for K9 Classic Synthetic Turf from Forever Lawn, Inc.:** City staff researched products that are marketed specifically for pets, dog parks, and residential applications. These products included K9 Classic by Forever Lawn; Active Play by PolyTurf; and SYNfescue by SynLawn. Generally, these products have several similar characteristics: 1) none require rubber infill; 2) they are made from polyethylene monofilament fiber; 3) each has an average pile height of 1" inch to 1-3/4", and a second woven nylon thatch; 4) each has an anti-microbial ingredient built into the yarn; 5) the yarn is treated with UV inhibitors to resist degradation.

The defining characteristics that separate the products are as follows:

K9 Classic by Forever Lawn has a backing of knitted, acrylic coated construction that is completely porous with flow-through technology (no unitary backing or urethane scrape coating), and a minimum drainage rate of greater than 84 inches per hour. The superior permeability of this product helps pass liquid animal waste quickly and reduce odor. The product has the best warranty of all the products reviewed - an 8 year prorated materials and 8 year workmanship warranty. The face weight is 72oz/SY, which is the average of the 3 products researched. The manufacturer's suggested installed cost per square foot is \$7.83/SF. This material can be placed directly upon a prepared permeable leveling course.

Active Play by PolyTurf has a backing with drainage holes every 4" on center and the drainage rate is not published in the catalog. The drainage hole spacing makes this product susceptible to trapping animal waste and producing greater odor. The product has an 8 year prorated materials warranty, but the 1 year workmanship warranty is less than that provided by the K9 product. The face weight of 40 oz/SY is the lowest of the three products. The manufacturer's suggested retail cost per square foot cost is \$8.50/SF, installed, including a manufacturer-recommended drainage mat, which this product is to be installed upon to assist with drainage.

SYNFescue by SynLawn has a backing with drainage holes spaced at 3 inches by 6 inches on center, and has a drainage rate of 30 inches per hour, which makes this product susceptible to trapping animal waste and producing odor. The product has a 9 year prorated materials warranty, but only a 1 year workmanship/installation warranty; again, less than that provided by the K9 product. The manufacturer's suggested installed cost per square foot is \$6.86/SF, and the material can be placed directly upon a prepared permeable leveling course.

Other products were researched that use rubber in-fill in conjunction with a multi-layered backing with perforated drainage holes, or had a backing with the flow through technology. It was observed that rubber infill parks have higher levels of odor, either due to slower drainage or an accumulation of waste in the rubber infill. Existing parks in the Bay Area using in-filled turf had either been closed for renovation or lacked users.

Additionally, staff made a visit to the San Jose Dog Park, which installed the K9 Classic product and had discussions with users at the site. The visit and results of the discussion were positive. Staff also had discussions with Santa Clara County regarding the Los Gatos Creek County Dog Park, which opened in December 2008 and installed the K9 product as their turf surface.

While the products have several similar characteristics, the K9 Classic product is a unique product due to the following:

- A knitted backing that provides for superior permeability over the entire surface
- A prorated 8 year material warranty and prorated 8 year workmanship warranty

The difference in estimated installed cost varies approximately 23% from the lowest priced product, SYNFescue by Synlawn, to the highest priced product, Active Play by PolyTurf. The manufacturer's suggested installed cost of the K9 Classic turf product is in between these other two products.

The research done by staff concluded that this product is unique and there is no equal product on the market. Furthermore, BART has agreed to install a prepared permeable subbase to facilitate the placement of a synthetic turf surface in the dog park.

The City will be responsible for having its contractor ready to install the dog park synthetic turf once notified by BART that their work is complete, and after the work is accepted by the City. The City's contractor will have approximately 21 days to install the synthetic turf. Completion of the City's scope of work will allow BART to begin work in the area currently occupied by the dog park. Delay may result in a claim by BART; therefore, time is of the essence to have this product ready for installation. Public Contracts Code Section 3400 allows the city to specify by brand name and to not take "or equal" submittals under certain circumstances. Specification of the K9 Classic Synthetic Turf as the only

acceptable turf material would be justified under section 3400(b)(3) as a sole source item because it is a necessary item available from only one source.

**FISCAL IMPACT:** Designating K9 Classic Synthetic Turf as the only acceptable turf material may result in slightly higher cost. The slightly higher purchase cost for the synthetic turf may be offset due to reduced maintenance cost and reduced water usage over the life of the product. There is no known equal to the K9 Classic Synthetic Turf product, and after considering all relevant information of the various synthetic turf products on the market, it is determined that K9 Classic Synthetic Turf best meets the project and public needs. In addition, allowing the contractor to submit an “or equal” material might result in claims, disputes, and delays. The potential for delays may have unforeseen financial ramifications on BART and its ability to proceed with undergrounding of the Warm Springs Extension, thus impacting the City. Funding for this project (PWC8431) is from developer-paid fees.

**ENVIRONMENTAL REVIEW:** None

**ENCLOSURE:** None

**RECOMMENDATION:** Make a finding pursuant to Public Contract Code section 3400 (b) that the turf material for the Central Park Dog Park project (PWC8431) be designated by specific brand or trade name (K9 Classic Synthetic Turf) in order to obtain a necessary item that is only available from one source.



**\*2.13 “FIRST 5 ALAMEDA COUNTY”- CONTRACT EXTENSION FOR INFANT TODDLER PROGRAM**

**Authorize the City Manager or Designee to Execute a Six-Month Contract Extension With First 5 Alameda County in the Amount of \$31,500 for a Total of \$181,500**

**Contact Person:**

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**Executive Summary:** First 5 Alameda County (First 5) has awarded an additional \$31,500 in funding to support Youth and Family Services’ Infant Toddler Program, for a total award of \$181,500. The extension will continue the City’s existing two-year grant that was scheduled to end on June 30, 2009 for an additional six months through December 31, 2009. The Infant Toddler Program provides specialized mental health services and care coordination for families with children aged 5 years or less. Staff recommends the City Council authorize the City Manager to execute a \$31,500 contract amendment with First 5, for a total contract amount of \$181,500.

**BACKGROUND:** First 5 is authorized by the California Children and Families Act of 1998 (Proposition 10, the tobacco tax initiative) to expend monies for family support and parent programs based on its Every Child Counts Strategic Plan. It awards funding for programs that address its strategic plan priorities in two-year grant cycles. The Youth and Family Services (YFS) division of the Human Services Department secured the first two-year grant for the start up of the Infant Toddler Program (ITP) in FY 2001/02- FY2002/03. ITP provides specialized mental health services and care coordination for 50 to 60 families of children aged 5 years or less each year. The City’s current grant contract for FY 2007/08-2008/09 was to expire on June 30, 2009, and YFS anticipated submitting a grant proposal to First 5 to continue providing early childhood mental health services for families that lack health insurance coverage for these services. However, timing of First 5’s strategic planning process delayed the determination of its grants priorities until mid-2009. As a result, First 5 will not make new awards until January 2010. In order to minimize disruption to community services, First 5 has approved a six-month extension to current grantees that are performing satisfactorily.

**DISCUSSION/ANALYSIS:** It is likely that First 5 will approve continued funding for the City’s Infant Toddler Program because there are very few early childhood mental health programs serving the Tri-City area, and the need to continue services for families without insurance has increased during the recession.

**FISCAL IMPACT:** The City Council appropriated this funding as part of the FY 2009/10 Adopted Budget. This funding offsets staffing costs of providing mental health services.

**ENCLOSURE:** None

**RECOMMENDATION:** Authorize the City Manager or designee to execute a contract extension with First 5 Alameda County to increase the existing two-year contract as described in the staff report.

## **\*2.14 TEAMSTERS MOU**

### **Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with Teamsters Local 856**

#### **Contact Person:**

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**Executive Summary:** In June 2009, the City completed negotiations with Teamsters Local 856 (Teamsters) for a two-year Memorandum of Understanding ("MOU"). This unit has 57 members and represents certain non-sworn Police Department employees. The proposed MOU carries over most of the provisions of the existing MOU, with some changes: it maintains current salary levels with no Cost of Living Adjustment (COLA) during the two-year term and increases the City's contribution to the Health Benefit Allowance (HBA) for the unit effective in July 2009 and 2010, at five percent (5%) and ten percent (10%), respectively. In addition, it replaces the Catastrophic Leave benefit with a restructured Long Term Disability insurance benefit.

#### **Primary Changes to Existing Memorandum of Understanding Provisions:**

1. *No Cost of Living (COLA) Adjustments*
2. *Health Benefit Allowance (HBA):*
  - a. Effective July 1, 2009, the Health Benefit Allowance will increase from \$1,308 per month to \$1,374 per month.
  - b. Effective July 1, 2010, the Health Benefit Allowance will increase to \$1,512 per month.
3. *Restructured Long-Term Disability Insurance to Replace Catastrophic Leave.* Bargaining unit employees currently have long-term disability insurance to cover absences exceeding 60 calendar days, with a City-paid pool of 500 hours per year available to bridge absences that exceed the accrued leave of an individual employee during the first 60 days. The pool leave will be phased out effective December 31, 2009, and replaced by employee-paid short-term disability insurance that will cover the first six months of an absence; City-paid long term disability insurance would then cover any absence caused by a disability longer than six months.

**FISCAL IMPACT:** The costs resulting from the recommended memorandum of understanding are relatively minor and, as such, can be absorbed in the Operating Budget adopted by the Council on June 9, 2009. The provisions of the recommended memorandum of understanding are consistent with the City's sustainable budget strategy, which relies on the use of one-time resources, reduced operating expenditures, and strategic investments of City resources in order to balance the City's budget.

**ENCLOSURES:**     [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution approving a two-year Memorandum of Understanding between the City and Teamsters Local 856 (MOU) that commences July 1, 2009 and expires June 30, 2011 and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU.

**\*2.15 FREMONT ASSOCIATION OF MANAGEMENT EMPLOYEES MOU**

**Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with the Fremont Association of Management Employees (FAME)**

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**Executive Summary:** In June 2009, the City completed negotiations with the Fremont Association of Management Employees (FAME) for a two-year Memorandum of Understanding ("MOU"). This unit has 101 members and represents management employees. The proposed MOU carries over most of the provisions of the existing MOU, with some changes: it maintains current salary levels with no Cost of Living Adjustment (COLA) during the two-year term and increases the City's contribution to the Health Benefit Allowance (HBA) for the unit effective in January 2010 and 2011, at five percent (5%) and ten percent (10%), respectively. In addition, it replaces the Long-Term Disability Bridge Leave Pool benefit with a restructured Long Term Disability insurance benefit.

**Primary Changes to Existing Memorandum of Understanding Provisions:**

4. *No Cost of Living (COLA) Adjustments*

5. *Health Benefit Allowance (HBA):*

- a. Effective January 1, 2010, the Health Benefit Allowance will increase from \$1,446 per month to \$1,518 per month.
- b. Effective January 1, 2011, the Health Benefit Allowance will increase to \$1,670 per month.

6. *Restructured Long-Term Disability Insurance to Replace Long-Term Disability Bridge Leave Pool.* Bargaining unit employees currently have long-term disability insurance to cover absences exceeding 60 calendar days, with a City-paid pool of 1,000 hours per year available to bridge absences that exceed the accrued leave of an individual employee during the first 60 days. The pool leave will be phased out effective December 31, 2009, and replaced by employee-paid short-term disability insurance that will cover the first six months of an absence; City-paid long term disability insurance would then cover any absence caused by a disability longer than six months.

7. *Alignment of Benefits.* The current menu of benefits available to employees varies considerably by bargaining unit. The negotiations have resulted in agreement to align the plan details for dental and long-term disability insurance, and for the City to administer benefits previously administered by benefit trusts. This will allow the City's insurance broker to achieve efficiencies and cost savings through larger purchasing pools and review of utilization data.

**FISCAL IMPACT:** The costs resulting from the recommended memorandum of understanding are relatively minor and, as such, can be absorbed in the Operating Budget adopted by the Council on June 9, 2009. The provisions of the recommended memorandum of understanding are consistent with the City's sustainable budget strategy, which relies on the use of one-time resources, reduced operating expenditures, and strategic investments of City resources in order to balance the City's budget.

**ENCLOSURES:**     [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution approving a two-year Memorandum of Understanding between the City and the Fremont Association of Management Employees (MOU) that commences July 1, 2009 and expires June 30, 2011, and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU.

## **\*2.16 IAFF MOU**

### **Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with International Association of Fire Fighters Local 1689**

#### **Contact Person:**

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**Executive Summary:** In June 2009, the City completed negotiations with International Association of Fire Fighters Local 1689 (IAFF) for a two-year Memorandum of Understanding ("MOU"). This unit has 121 members and represents fire fighters, engineers, and captains. The proposed MOU carries over most of the provisions of the existing MOU, with some changes: it maintains current salary levels with no Cost of Living Adjustment (COLA) during the two-year term and increases the City's contribution to the Health Benefit Allowance (HBA) for the unit effective in January 2010 and 2011, at five percent (5%) and ten percent (10%), respectively.

#### **Primary Changes to Existing Memorandum of Understanding Provisions:**

8. *No Cost of Living (COLA) Adjustments*
9. *Health Benefit Allowance (HBA):* For the most other bargaining units, the HBA covers both medical and dental premiums. For the IAFF, the City currently provides an HBA amount for medical premiums, and a separate amount is paid to the IAFF trust for dental and long-term disability coverage. The alignment of benefits described in the next section will result in combining the current HBA (\$1,234) and the portion of the trust payment for dental coverage (\$168.60), because the City will now be administering the contract for dental benefits, for a current total benefit of \$1,402.60 per month.
  - a. Effective January 1, 2010, the Health Benefit Allowance will increase from \$1,402.60 per month to \$1,472 per month.
  - b. Effective January 1, 2011, the Health Benefit Allowance will increase to \$1,620 per month.
10. *Alignment of Benefits.* The current menu of benefits available to employees varies considerably by bargaining unit. The negotiations have resulted in agreement to align the plan details for dental insurance, and for the City to administer benefits previously administered by benefit trusts. This will allow the City's insurance broker to achieve efficiencies and cost savings through larger purchasing pools and review of utilization data.

**FISCAL IMPACT:** The costs resulting from the recommended memorandum of understanding are relatively minor and, as such, can be absorbed in the Operating Budget adopted by the Council on June 9, 2009. The provisions of the recommended memorandum of understanding are consistent with the City's sustainable budget strategy, which relies on the use of one-time resources, reduced operating expenditures, and strategic investments of City resources in order to balance the City's budget.

**ENCLOSURES:**     [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution approving a two-year Memorandum of Understanding between the City and International Association of Fire Fighters Local 1689 (MOU) that commences July 1, 2009 and expires June 30, 2011, and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU.



**\*2.17 IAFF-BATTALION CHIEFS MOU**

**Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with IAFF Local 1689 – Battalion Chiefs**

**Contact Person:**

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**Executive Summary:** In June 2009, the City completed negotiations with IAFF Local 1689 - Battalion Chiefs (IAFF - Battalion Chiefs) for a two-year Memorandum of Understanding (“MOU”). This unit has 6 members and represents Fire Battalion Chiefs. The proposed MOU carries over most of the provisions of the existing MOU, with some changes: it maintains current salary levels with no Cost of Living Adjustment (COLA) during the two-year term and increases the City’s contribution to the Health Benefit Allowance (HBA) for the unit effective in January 2010 and 2011, at five percent (5%) and ten percent (10%), respectively.

**Primary Changes to Existing Memorandum of Understanding Provisions:**

*11. No Cost of Living (COLA) Adjustments*

*12. Health Benefit Allowance (HBA):* For the most other bargaining units, the HBA covers both medical and dental premiums. For the IAFF – Battalion Chiefs, the City currently provides an HBA amount for medical premiums, and a separate amount is paid to the IAFF trust for dental and long-term disability coverage. The alignment of benefits described in the next section will result in combining the current HBA (\$1,234) and the portion of the trust payment for dental coverage (\$168.60), because the City will now be administering the contract for dental benefits, for a current total benefit of \$1,402.60 per month.

a. Effective January 1, 2010, the Health Benefit Allowance will increase from \$1,402.60 per month to \$1,472 per month.

b. Effective January 1, 2011, the Health Benefit Allowance will increase to \$1,620 per month.

*13. Alignment of Benefits.* The current menu of benefits available to employees varies considerably by bargaining unit. The negotiations have resulted in agreement to align the plan details for dental insurance, and for the City to administer benefits previously administered by benefit trusts. This will allow the City’s insurance broker to achieve efficiencies and cost savings through larger purchasing pools and review of utilization data.

**FISCAL IMPACT:** The costs resulting from the recommended memorandum of understanding are relatively minor and, as such, can be absorbed in the Operating Budget adopted by the Council on June 9, 2009. The provisions of the recommended memorandum of understanding are consistent with the City's sustainable budget strategy, which relies on the use of one-time resources, reduced operating expenditures, and strategic investments of City resources in order to balance the City's budget.

**ENCLOSURES:**     [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution approving a two-year Memorandum of Understanding between the City and IAFF Local 1689 - Battalion Chiefs (MOU) that commences July 1, 2009 and expires June 30, 2011, and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU.

**\*2.18 OE3 MOU**

**Consideration of a Resolution Approving a New Memorandum of Understanding (2009-2011) with Operating Engineers Local Union No. 3**

**Contact Person:**

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**Executive Summary:** In June 2009, the City completed negotiations with Operating Engineers Local Union No. 3 (OE3) for a two-year Memorandum of Understanding ("MOU"). This unit has 107 members and represents professional trade workers and supervisors. The proposed MOU carries over most of the provisions of the existing MOU, with some changes: it maintains current salary levels with no Cost of Living Adjustment (COLA) during the two-year term and increases the City's contribution to the Health Benefit Allowance (HBA) for the unit effective in January 2010 and 2011, at five percent (5%) and ten percent (10%), respectively. In addition, it replaces the Catastrophic Leave benefit with a restructured Long Term Disability insurance benefit.

**Primary Changes to Existing Memorandum of Understanding Provisions:**

14. *No Cost of Living (COLA) Adjustments*

15. *Health Benefit Allowance (HBA):*

- a. Effective January 1, 2010, the Health Benefit Allowance will increase to the following amounts per month:

Employee only	from	\$ 684	to	\$ 718
Employee + 1	from	\$1330	to	\$1397
Employee + 2	from	\$1733	to	\$1820

- b. Effective January 1, 2011, the Health Benefit Allowance will increase to the following amounts per month:

Employee only	\$ 790
Employee + 1	\$1537
Employee + 2	\$2002

16. *Restructured Long-Term Disability Insurance to Replace Catastrophic Leave.* Bargaining unit employees currently have long-term disability insurance to cover absences exceeding 60 calendar days, with a City-paid pool of 500 hours per year available to bridge absences that exceed the accrued leave of an individual employee during the first 60 days. The pool leave will be phased out effective December 31, 2009, and replaced by employee-paid short-term disability insurance that will cover the first six months of an absence; City-paid long term disability insurance would then cover any absence caused by a disability longer than six months.

**FISCAL IMPACT:** The costs resulting from the recommended memorandum of understanding are relatively minor and, as such, can be absorbed in the Operating Budget adopted by the Council on June 9, 2009. The provisions of the recommended memorandum of understanding are consistent with the City's sustainable budget strategy, which relies on the use of one-time resources, reduced operating expenditures, and strategic investments of City resources in order to balance the City's budget.

**ENCLOSURES:**     [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution approving a two-year Memorandum of Understanding between the City and Operating Engineers Local Union No. 3 (MOU) that commences July 1, 2009 and expires June 30, 2011, and provides for the benefits outlined above, and authorize the City Manager to execute and implement the terms and conditions of the MOU.

## 5.1 HUMAN RELATIONS COMMISSION REFERRAL REGARDING 100% SMOKE FREE OUTDOOR DINING

### Referral from the Human Relations Commission Proposing to Amend Chapter 6 of Title IV of the Fremont Municipal Code Regarding a Prohibition on Smoking in 100% of Unenclosed Dining Areas

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**Executive Summary:** The purpose of the report is to consider a referral from the Human Relations Commission (HRC), as requested by Tri-City Health Center, proposing to amend the Fremont Municipal Code (FMC) regarding the prohibition on smoking in outdoor dining areas, set forth in FMC Title IV, Chapter Six, (Sections 4-6100 et seq.). This ordinance currently prohibits smoking in outdoor dining areas. However, it also gives restaurant owners, operators and managers the option of designating up to one-half of an outdoor dining area as a smoking area. This proposal, if ultimately adopted in the form of an ordinance amendment, would eliminate that option. The HRC recommended that the Council direct staff to develop amendments to the current ordinance to achieve this purpose and conduct outreach to local businesses.

**BACKGROUND:** The purpose of Fremont Municipal Code Title IV, Chapter 6 (Smoking Ordinance) is: (1) protect the public health and welfare by prohibiting smoking in public places and in places of employment; (2) help people to avoid becoming addicted, and to help people who wish to quit smoking, by limiting their unintentional exposure to smoking, tobacco products and inducements to smoke; and (3) strike a reasonable balance between the needs of smokers and the need of nonsmokers to breathe smoke-free air, and to recognize that, where these needs conflict, the need to breathe smoke-free air shall have priority. Section 4-6104 of the Smoking Ordinance prohibits smoking in outdoor dining areas. However, consistent with the purpose of the ordinance to balance the interests of smokers and non-smokers, this section also permits restaurants to designate an outdoor dining smoking area provided it is a contiguous area in an outdoor dining area that contains a maximum of one half of seating capacity of the dining area. The smoking ordinance was first enacted in 1986.

Several Bay Area jurisdictions have adopted ordinances that ban smoking in 100% of outdoor dining areas, including the cities of Albany, Berkeley, Dublin, Emeryville, Hayward, Newark and Pleasanton, as well as Alameda County for the unincorporated area. In February and March 2009, Tri-City Health Center (TCHC) staff presented a proposal to the Human Relations Commission (HRC) requesting its support for an ordinance amendment that would prohibit smoking in 100% of unenclosed dining areas. The HRC requested that TCHC seek input from business stakeholders in the community. TCHC presented its proposed amendments to the Board of Directors of the Fremont Chamber of Commerce, which endorsed the amendment at its June meeting.

On June 15, 2009, the HRC voted to recommend that the City Council support an ordinance prohibiting smoking in 100% of outdoor dining areas, and request staff to look at similar ordinances adopted by

other local cities, as well as the language being proposed by Tri-City Health Center. If adopted by the City Council, the Commission further recommended that the City partner with the Chamber of Commerce and local business associations to disseminate information about the new ordinance.

**DISCUSSION/ANALYSIS:** The dangers of second-hand smoke are well documented. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke; and the California Environmental Protection Agency has included secondhand smoke, also known as Environmental Tobacco Smoke or ETS, on the Proposition 65 (Safe Drinking Water and Toxic Enforcement Act) list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm. The California Air Resources Board has identified secondhand smoke as a toxic air contaminant as identified in the Health and Safety Code.

**Enforcement:** Staffing available for enforcement of the existing ordinance is limited. The City's designated enforcement officers for the smoking ordinance include the Building and Safety Manager, a position that was recently eliminated, with duties delegated to the Community Preservation Officer and the Fire Chief and Police Chief. Enforcement would occur based on a complaint. The proposed amendment to the ordinance would only have an impact if in fact there are restaurants with designated smoking areas. Staff is not aware of any such designated smoking areas, although there may be some. After an initial education and outreach effort to local businesses, the City may rely on businesses and the general public for compliance.

Currently, in the City of Fremont, there are very few resident complaints regarding non-compliance with the existing ordinance. While it is difficult to predict the number of violations and complaints that may result from the proposed change, based on the current low volume of complaints, staff does not anticipate the need for high levels of City enforcement.

**FISCAL IMPACT:** If adopted, there may be limited staffing costs to conduct outreach to local businesses. The City could also partner with the Tri-City Health Center to accomplish this goal. As discussed above, a very limited amount of staffing for enforcement is available.

Staff does not believe that the proposed amendment would have any negative impact on local businesses, revenues or sales tax revenues.

**ENCLOSURE:** None

**RECOMMENDATION:** Consider the Human Relations Commission's recommendation to direct staff to return with an ordinance amending Title IV, Chapter Six, Sections 4-6100 et seq. of the Fremont Municipal Code to prevent restaurants from designating up to one-half of an outdoor dining area as a smoking area.

## **6.1 Report Out from Closed Session of Any Final Action**

7.1 **CONSIDERATION OF ADDITIONAL FUNDING FOR ALLIED HOUSING MAIN STREET VILLAGE PROJECT**

**Consideration of \$3,650,350 in Additional Loan Funding to Allied Housing in Connection with a 64-unit Affordable Housing Development Proposed for a 1.6-Acre Vacant Parcel at 3615/3657 Main Street and 41037/41045 High Street in the Irvington Redevelopment Area**

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**Note:** Companion item on Redevelopment Agency agenda.

**Executive Summary:** Allied Housing and Mid-Peninsula Housing Coalition (MPHC) are partnering with the City and the Redevelopment Agency on the proposed Main Street Village project, a 64-unit extremely low and very low income supportive housing development on the corner of Main Street and High Street in the Irvington Redevelopment Area. Since the project's inception in early 2008, the Agency has supported the Main Street Village project with a \$3,395,000 acquisition and predevelopment loan. Allied has utilized this funding for the acquisition of the project site and for completing the architectural, engineering, and environmental review work necessary for securing the project's entitlements. At this time, Allied is requesting an additional loan of \$3,650,350 from the Redevelopment Agency to assist the project in proceeding with design development, pre-construction and construction phases. If approved, this funding request will bring the total Agency contribution to the Main Street project to \$7,045,350. Staff recommends approval of the additional loan request. A companion item is being considered on this evening's Redevelopment Agency agenda.

**BACKGROUND:** The City Council and Redevelopment Agency Board have taken the following actions regarding the Main Street Village project:

- On January 22, 2008, the Agency Board approved a \$219,000 predevelopment loan for the project, which was funded by Agency affordable housing funds.
- On October 7, 2008, the Agency Board approved a \$3,000,000 acquisition loan to Allied for the purchase of the 1.6-acre site for the proposed project. This loan was funded by the State's HELP (Housing Enabled by Local Partnerships) Loan Program funds, awarded to the Agency and repayable by the developer in 10 years with 3% simple interest. In the event that the developer is unable to repay the HELP Loan in 10 years, the Agency will become responsible for the ultimate repayment of the loan to the State.
- On May 5, 2009, the Agency Board approved a \$176,000 predevelopment loan to Allied for the completion of the predevelopment activities necessary for securing the land use and environmental approvals. This loan was funded by Agency affordable housing funds.



- On May 12, 2009, the City Council approved \$200,000 of the FY 2009/10 CDBG allocation for the project to fund a Tenant Services Center and a Community Room. (This \$200,000 will be applied towards the current request for additional funding.)
- On July 14, 2009, the City Council, following the Planning Commission's recommendation, introduced the first reading of an Ordinance to Change the Land Use Designation from Medium Density Residential (15-18 dwelling units per acre) to High Density Residential (27-35 dwelling units per acre), a Rezoning from Planned District (P-84-12) to Multi-Family Residence District (R-3-35), Site Plan and Architectural Review and Preliminary Grading Permit to develop a 1.6-acre site with a residential project including 64 units and a Conditional Use Permit to allow 3,400 square feet of ground floor office space within the project. The second reading of the Ordinance is scheduled on this evening's City Council Agenda. A Mitigated Negative Declaration has been prepared and circulated for this project in accordance with the requirements of the California Environmental Quality Act.

**Project Description:** The Main Street Village project development will consist of two primary residential buildings, both being three stories in height. The proposed project includes:

- 63 affordable housing units for very low and extremely low income individuals and households and one manager's unit (at a density of 40 units per acre with a density bonus), including 17 studio units, 17 one-bedroom units, 20 two-bedroom units and 10 three-bedroom units.
- 3,400 square feet of ground floor office space.
- 59 on-site parking spaces (53 sub-terrain parking garage spaces and 6 at-grade parking spaces).
- A parking garage accessed off of Main Street. Access will also be provided off High Street near Building Two for the at grade parking. Circulation through the site will only be permitted for emergency vehicles.
- Approximately 18,700 square feet of common area, including a community room, laundry room, maintenance workshop and an open space area in the middle of the development.
- 100 square feet of storage space for each unit adjacent to the balconies and patios.
- Extensive use of green building techniques to increase energy efficiency and the use of sustainable materials. The project will also incorporate universal design principles to promote accessibility.

The City, as part of the conditions of approval of the Development, has required the Developer to construct certain offsite improvements including asphalt and concrete paving, wet and dry utilities connections, and installation of landscaping, irrigation and street lights. As part of the conditions for the construction of the Development, these offsite improvements will be of benefit to the Development. By improving existing paving, utilities, landscaping, irrigation and street lights, these improvements will serve to eliminate blighting conditions in the project area, and be of benefit to the surrounding neighborhood, and the project area as a whole. There are no other reasonable means available to the City to finance the improvements, and as such the Developer is required to finance the improvements as part of the conditions of approval. Given the affordability levels of the development, and the funds available to finance affordable Developments, no other funds exist other than the Agency funds to finance the construction of the offsite improvements. As part of providing financing for the Development, the Agency will be imposing long term affordability restrictions on the Development.

The proposed development will also include a significant supportive services component (42 out of 64 units will be set aside for special needs tenants). Permanent supportive housing is recognized nationally as an effective solution to ending homelessness. Residents in supportive housing often have multiple barriers that limit their success in more traditional housing settings. Through consistent, on-site enriched services such as case management, mental health counseling, financial literacy training, tenancy support and parenting classes, residents are able to sustain their housing over the long term and become more self-sufficient. Specifically, ten units would be restricted to tenants who qualify for the MHSA (Mental Health Services Act), most of whom will be extremely low income, chronically homeless adults, and those living with severe and persistent mental illness. Thirty-two additional supportive units will house other special needs tenants, which may include individuals with a history of homelessness, physical or mental disabilities and/or transition-aged foster care youth. The remaining twenty-one units will be occupied by other low income families and individuals who also will benefit from the service rich environment.

Allied Housing will contract with Abode Services to provide on-site service coordination for the supportive housing units. Abode has over 20 years of experience in providing these types of support services at other properties. Such services include intensive case management, mental health services, and individual and group substance recovery counseling. In addition to the wide range of services devoted exclusively to the residents of the units designated as supportive housing, all Main Street Village residents will be offered a variety of other on-site services often available to affordable developments. These will include job counseling and placement referral, life skills training, money management, parenting classes, children's programs and benefits acquisition. Abode will also be providing on-site coordination for these services, which will be offered to the tenants of the entire Main Street Village development (both to the residents of the 42 special needs units as well as to the tenants of the remaining 21 units).

**Project Financing:** Allied Housing, in partnership with Mid-Peninsula Housing Corporation, proposes to finance the Main Street Village development primarily through a 9% competitive federal tax credits allocation and a combination of State and local funding sources. Main Street Village project entitlements and the project funding timeline are required to meet the Tax Credit Allocation Committee (TCAC) deadline of August 17, 2009. Due to the unusual timing of the 9% tax credits allocation this year (one application round during the summer, instead of two rounds in spring and fall). A unique opportunity is presented by the additional resources available through the Federal Stimulus funding stream (with preferences given to housing projects benefitting special needs individuals and guaranteed minimum funding levels offered to those projects unable to find outside investors). This means however, that all land use approvals, environmental review and funding commitments from all sources, including local jurisdictions, need to be in place by the August 17, 2009 TCAC deadline.

Since late April, when the 2009 9% tax credits regulations became available, the project team has been working diligently to meet the ambitious timelines imposed by the constraints of the federal funding stream. Project land use and environmental review approvals are currently on schedule to meet the August 17, 2009 deadline. At the same time, financing projections, as illustrated in the most recent pro forma included below, estimate a funding gap of \$3,650,350. The developer has previously indicated that it would seek assistance from the City and the Redevelopment Agency in closing the project's funding gap in late 2009/early 2010. However, in view of the current TCAC funding deadline for the 2009 tax credits, Allied is now requesting an expedited project funding commitment by August 17,

2009, instead of December 2009/January 2010, as previously anticipated, in order for the Main Street Village project to remain competitive in the 2009 tax credits allocation round.

Additional funding in the amount of \$3,650,350 requested for the Main Street Village project consists of two components:

- Permanent loan of \$2,210,350, which will be used by the developer to close the funding gap and provide resources for design development, pre-construction and construction stages of the project, as well as the offsite improvements. The proposed terms of this loan are: interest rate-3%, repayment structure - residual receipts, due in 55 years (i.e., while the loan is due in full in 55 years, if the project generates surplus cash/residual receipts in the interim, then these must be put towards loan repayment).
- Short-term “bridge loan” of \$1,440,000, which Allied is intending to pay back to the Agency by fall 2010, when other sources of project financing become available.

The proposed \$1,440,000 “bridge loan” financing sources include 2009 Alameda County HOME funds allocation in the amount of \$400,817 (already recommended for the Main Street project by the County staff and pending Board of Supervisors approval in early fall 2009, per the attached letter from Alameda County); 2010 Alameda County HOME funds allocation in the amount of \$399,183 (application process is scheduled to begin in spring 2010); and 2010 Affordable Housing Loan Program allocation in the amount of \$640,000 (application process is scheduled to begin in fall 2009). Although Allied Housing, in partnership with MPHC, is anticipating that the Main Street Village project will be very competitive during the funding cycles for both Alameda County HOME funds and the Affordable Housing Loan Program allocation, the actual funding commitments from these sources will not be available until late 2009 and early 2010, which is much later than the August 17, 2009 federal deadline for securing the necessary funding components. Therefore, Allied is requesting that the Agency provide a short-term “bridge loan” of \$1,440,000, in addition to the permanent loan assistance of \$2,210,350, to ensure that the project’s funding commitments are met by the August 17, 2009 deadline and that the project remains competitive during the 2009 tax credit allocation cycle.

Allied is intending to repay the entire amount of the Agency’s \$1,440,000 “bridge loan” as soon as the Alameda County HOME funds and the Affordable Housing Loan Program allocation funds have been awarded to the Main Street Village project in late 2009 and early 2010. Once this occurs, the Agency’s total commitment to the Main Street Village project will be reduced from \$7,045,350 to \$5,605,350. However, if the development team is unsuccessful in securing this funding stream, the Agency will be responsible for the additional \$1,440,000 commitment to the project, as illustrated in Scenario B in the Sources and Uses Summary below:

**MAIN STREET VILLAGE-SOURCES AND USES SUMMARY  
(64 AFFORDABLE RESIDENTIAL UNITS)**

<b>SOURCES:</b>	<b>Scenario A: Agency “bridge loan” is repaid in full</b>	<b>Scenario B: Agency “bridge loan” is not repaid</b>
City of Fremont/Agency – previously committed funds	\$3,395,000	\$3,395,000
Tax Credits Equity Investors / TCAP Loan	\$20,048,952	\$20,048,952
Alameda County-Mental Health Services Act (MHSA)	\$1,040,000	\$1,040,000
Alameda County HOME - HOPWA	\$800,000	0
Affordable Housing Program (AHP)	\$640,000	0
General Partner Equity	\$24,824	\$24,824
Mortgage - Section 8 Income	\$800,000	\$800,000
<b>Total Sources:</b>	<b>\$26,748,776</b>	<b>\$25,308,776</b>
<b>USES:</b>		
Site Acquisition and Related Costs	\$3,570,055	\$3,570,055
Hard Construction Costs, Interest & Fees	\$15,781,448	\$15,781,448
Soft Costs	\$8,142,480	\$8,142,480
Developer Fee /Overhead/ Profit	\$1,465,143	\$1,465,143
<b>Total Uses / Total Development Costs (TDC)</b>	<b>\$28,959,126</b>	<b>\$28,959,126</b>
<b>Gap Funding Required</b>	<b>\$2,210,350</b>	<b>\$3,650,350</b>
<b>Total Residential Units</b>	<b>64</b>	<b>64</b>
TDC Per Unit Cost	\$452,486	\$452,486
City/Agency Funding Per Unit Cost	\$87,584	\$110,084
<b>Total City/Agency Funding for the Project</b>	<b>\$5,605,350</b>	<b>\$7,045,350*</b>

**\*Note: The difference between the two RDA funding amounts in the above table is attributed to the \$1,440,000 “bridge loan.”**

While Allied and MPHC have committed to diligently pursuing these funding sources and submitting completed applications for the HOME and AHP funds, staff recommends the Agency commit to the full loan amount in order to document full project funding by the August 17, 2009 TCAC application deadline.

**Community Outreach:** Since the inception of the project, Allied Housing has hosted several community engagement events, including several open house venues, which allowed community members to view the preliminary site plans and offer input about the Main Street Village project. The development team also visited all neighbors adjacent to the project site and presented the project to the Irvington Business Association. As the project advances, Allied will continue its commitment to reach out to the community.

**Benefit to Project Area and Housing Element Compliance:** The development of housing on the Main Street site will benefit the Irvington Redevelopment Project Area by providing new, affordable housing for the residents of the area. All units proposed by the development team would count towards meeting the extremely low, very low and low income housing need for Housing Element compliance purposes.

**Preliminary Development Timeline (Assumes Tax Credit Funding is Secured in Fall 2009):**

- July 2009 – Land Use Approvals (Completed)
- August - September 2009 – Obtain Commitment for Construction Financing (Through Tax Credits)
- August 2009 to January 2010 – Complete Design Development, Pre-Construction and Obtaining Building Permits
- February 2010 – Commence Construction
- June 2011 – Complete Construction
- January - July 2011 – Complete the Lease Up of the Project

**ENVIRONMENTAL REVIEW:** A Mitigated Negative Declaration was previously circulated and adopted on July 14, 2009 for the Main Street Village project. The proposed project funding is consistent with the project's approval and is a subsequent step of implementing the project. No further environmental review is required.

**FISCAL IMPACT:** Funding for this project is provided for in the Agency's 20% Low/Moderate Set Aside Fund and the City's CDBG funding allocation for FY 2009/10.

**ENCLOSURES:**

- [Draft Resolution](#)
- [Site Map](#)
- [Letter from Alameda County regarding the commitment of HOME funds](#)

**RECOMMENDATION:** Staff recommends that the City Council adopt a resolution to:

1. Authorize the City Manager or designee to execute the loan documents and take such other actions as required to provide additional loan funding in the amount of \$3,650,360 to Allied Housing in connection with a 64-unit affordable housing development proposed for a 1.6-acre vacant parcel at Main and High Streets in the Irvington Redevelopment Project Area; and
2. Approve an appropriation transfer of \$3,450,350 from the Agency's Affordable Housing: New Construction (911HHD6100) and Opportunity/Contingency Fund (911HHD7000) to the Main Street Village project (911HHD6113) in order to provide additional loan funding for the proposed development.

**7.2 SAN FRANCISCO PUBLIC UTILITIES COMMISSION BAY DIVISION PIPELINE  
RELIABILITY UPGRADE PROJECT  
SFPUC Staff Presentation of the Bay Division Pipeline Reliability Upgrade Project  
(BDPL No. 5) in Fremont**

**Contact Person:**

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Title:	Senior Civil Engineer	City Engineer
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**Executive Summary:** The San Francisco Public Utilities Commission's (SFPUC) Hetch Hetchy Water System Improvement Program (WSIP) includes construction of seven miles of new large-diameter pipeline from Mission Blvd in Fremont to a new Bay tunnel portal in Newark. The new pipeline project is referred to as the Bay Division Pipeline Reliability Upgrade - Pipeline or BDPL No.5. Construction of the pipeline is scheduled to begin in Spring 2010. SFPUC staff is presenting the BDPL No. 5 project to cities crossed by the proposed pipeline.

**BACKGROUND:** In 2002, the SFPUC launched the Hetch Hetchy Water System Improvement Program (WISP) to repair, replace, and seismically upgrade the water system to ensure water delivery to 2.5 million customers in the counties of Alameda, San Francisco, Santa Clara, and San Mateo. Approximately twenty percent (20%) of water provided by ACWD is from the Hetch Hetchy water system. WISP includes 85 separate construction projects, 50 of which are located outside of the City of San Francisco. WISP projects within Fremont include a new Irvington tunnel, seismic and other upgrades to the existing Hetch Hetchy pipelines (BDPL Nos. 1, 2, 3, and 4), and construction of the new pipeline, BDPL No. 5.

In Fremont, BDPL No. 5 is approximately four miles of a 72-inch diameter, welded steel pipeline constructed between Mission Boulevard and the Mowry Avenue/I-880 interchange. BDPL No. 5 will be constructed within the existing SFPUC right-of-way, which contains BDPL Nos. 1 and 2. The majority of the pipeline right-of-way is behind single-family homes or is adjacent to schools, churches, and parks. The pipeline intersects sixteen City streets, which will require partial closures during pipeline construction. Future City Council approval will be required for an agreement with SFPUC for the construction impacting City facilities.

**ENCLOSURE:**

- [SFPUC Aerial Map](#)
- [SFPUC Fact Sheet](#)

**RECOMMENDATION:**

1. Receive SFPUC staff presentation.
2. Receive public comment.
3. Council discussion.

## **8.1 MAYOR WASSERMAN REFERRAL: Designation of League of California Cities Annual Conference Voting Delegate**

**RECOMMENDATION:** Appoint Vice Mayor Natarajan as the City's voting delegate for the League of California Cities Annual Conference and Councilmember Chan as the voting alternate. The League's 2009 Annual Conference is scheduled for September 16-18, 2009 and an important part of the Annual Conference is the Annual Business Meeting, scheduled for September 18. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

Consistent with the League bylaws, a City's voting delegate must be designated by the City Council. Up to two alternate delegates may be designated as well. The League's bylaws now require that designating the voting delegate and alternates must be done by City Council action and cannot be accomplished by individual action of the mayor or city manager alone.

To remain consistent with League bylaws, I am recommending appointing Vice Mayor Natarajan as the City's voting delegate and Councilmember Chan as the voting alternate.

## **8.2 Oral Reports on Meetings and Events**



## ACRONYMS

ABAG .....	Association of Bay Area Governments	FUSD .....	Fremont Unified School District
ACCMA .....	Alameda County Congestion Management Agency	GIS .....	Geographic Information System
ACE .....	Altamont Commuter Express	GPA .....	General Plan Amendment
ACFCD .....	Alameda County Flood Control District	HARB .....	Historical Architectural Review Board
ACTA .....	Alameda County Transportation Authority	HBA .....	Home Builders Association
ACTIA .....	Alameda County Transportation Improvement Authority	HRC .....	Human Relations Commission
ACWD .....	Alameda County Water District	ICMA .....	International City/County Management Association
BAAQMD .....	Bay Area Air Quality Management District	JPA .....	Joint Powers Authority
BART .....	Bay Area Rapid Transit District	LLMD .....	Lighting and Landscaping Maintenance District
BCDC .....	Bay Conservation & Development Commission	LOCC .....	League of California Cities
BMPs .....	Best Management Practices	LOS .....	Level of Service
BMR .....	Below Market Rate	MOU .....	Memorandum of Understanding
CALPERS .....	California Public Employees' Retirement System	MTC .....	Metropolitan Transportation Commission
CBD .....	Central Business District	NEPA .....	National Environmental Policy Act
CDD .....	Community Development Department	NLC .....	National League of Cities
CC & R's .....	Covenants, Conditions & Restrictions	NPDES .....	National Pollutant Discharge Elimination System
CDBG .....	Community Development Block Grant	NPO .....	Neighborhood Preservation Ordinance
CEQA .....	California Environmental Quality Act	PC .....	Planning Commission
CERT .....	Community Emergency Response Team	PD .....	Planned District
CIP .....	Capital Improvement Program	PUC .....	Public Utilities Commission
CMA .....	Congestion Management Agency	PVAW .....	Private Vehicle Accessway
CNG .....	Compressed Natural Gas	PWC .....	Public Works Contract
COF .....	City of Fremont	RDA .....	Redevelopment Agency
COPPS .....	Community Oriented Policing and Public Safety	RFP .....	Request for Proposals
CSAC .....	California State Association of Counties	RFQ .....	Request for Qualifications
CTC .....	California Transportation Commission	RHNA .....	Regional Housing Needs Allocation
dB .....	Decibel	ROP .....	Regional Occupational Program
DEIR .....	Draft Environmental Impact Report	RRIDRO .....	Residential Rent Increase Dispute Resolution Ordinance
DO .....	Development Organization	RWQCB .....	Regional Water Quality Control Board
DU/AC .....	Dwelling Units per Acre	SACNET .....	Southern Alameda County Narcotics Enforcement Task Force
EBRPD .....	East Bay Regional Park District	SPAA .....	Site Plan and Architectural Approval
EDAC .....	Economic Development Advisory Commission (City)	STIP .....	State Transportation Improvement Program
EIR .....	Environmental Impact Report (CEQA)	TCRDF .....	Tri-Cities Recycling and Disposal Facility
EIS .....	Environmental Impact Statement (NEPA)	T&O .....	Transportation and Operations Department
ERAF .....	Education Revenue Augmentation Fund	TOD .....	Transit Oriented Development
EVAW .....	Emergency Vehicle Accessway	TS/MRF .....	Transfer Station/Materials Recovery Facility
FAR .....	Floor Area Ratio	UBC .....	Uniform Building Code
FEMA .....	Federal Emergency Management Agency	USD .....	Union Sanitary District
FFD .....	Fremont Fire Department	VTa .....	Santa Clara Valley Transportation Authority
FMC .....	Fremont Municipal Code	WMA .....	Waste Management Authority
FPD .....	Fremont Police Department	ZTA .....	Zoning Text Amendment
FRC .....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<i><b>Date</b></i>	<i><b>Time</b></i>	<i><b>Meeting Type</b></i>	<i><b>Location</b></i>	<i><b>Cable Channel 27</b></i>
August		Council Recess		
September 1, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 8, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 15, 2009	TBD	Work Session	Council Chambers	Live
September 22, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 5, 2009 (Monday)	4:00 p.m.	Joint City Council/FUSD Mtg.	Council Chambers	Live
October 6, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 13, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 20, 2009	TBD	Work Session	Council Chambers	Live
October 27, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 3, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 10, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 17, 2009	7:00 p.m.	Work Session	Council Chambers	Live
November 24, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 1, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 8, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 15, 2009	TBD	Work Session	Council Chambers	Live